

2003

Representative Conyers Proposes National Health Insurance Act

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Recommended Citation

Amber Nesbitt, *Representative Conyers Proposes National Health Insurance Act*, 8 Pub. Interest L. Rptr. 25 (2003).
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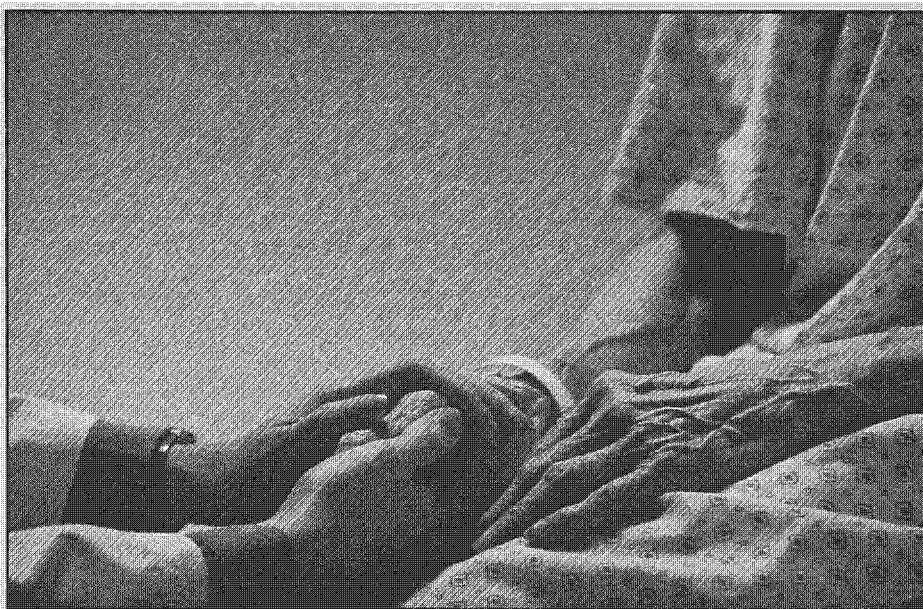
REPRESENTATIVE CONYERS PROPOSES NATIONAL HEALTH INSURANCE ACT

By Amber Nesbitt

Congressman John Conyers, Jr. of Michigan introduced the United States National Health Insurance Act (Act) to the 108th Congress on February 4, 2003. If passed, the Act would create a single payer health care system that is publicly financed, yet privately delivered. The goal of the Act is to ensure that all Americans have access to adequate health care in the future and to correct the “maldistribution of health personnel and facilities by establishing a system of prepaid personal health insurance.” H.R. 15, 108th Cong. § 2b (2003).

Currently, over 42 million Americans are uninsured, and another 40 million are “under-insured.” Professor Karen Harris, a

visiting Professor of Health Law at Loyola University’s Health Law Institute notes, “It is undeniable that under the



current system millions of Americans are lacking adequate care. Moreover, since these individuals have no coverage they often delay seeking care and then are sicker when they finally do go

for services.”

The many purposes of the Act include recognizing that national health is directly

“It is undeniable that under the current system millions of Americans are lacking adequate care. Moreover, since these individuals have no coverage they often delay seeking care and then are sicker when they finally do go for services.”

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linked to the prosperity of our country, revamping the outdated nature of the current system that unfairly disadvantages the impoverished, and establishing an entirely new health care system. Under the Act, all medically necessary services would be covered, including primary care, inpatient and outpatient care, emergency care, durable medical equipment, long term care, mental health services, dentistry, eye care, chiropractic, and substance abuse treatment. The bill would also allow patients to

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the implementation and maintenance of the system. Adding to the confusion is the recent elimination of the INS as of March 1, 2003 and the transition of its functions from one agency within the Department of Justice to three bureaus within the Department of Homeland Security.³⁹ The new Bureau of Citizenship and Immigration Services (BCIS)⁴⁰ takes over the traditional visa issuing and customer service functions that the public typically associated with the day-to-day duties of the INS. The Bureau of Immigration and Customs Enforcement (BICE)⁴¹ and the Bureau of Customs and Border Patrol (BCBP)⁴² will oversee the enforcement of immigration and customs law both in the interior and at points of entry to the U.S., respectively. Thus, though Special Registration may appear to fit into both the BICE (call-in registration for those nonimmigrant aliens already present in the U.S.) and the BCBP (registration upon admission at a point of entry), it is actually the BCIS that is implementing and processing the call-in registration program. This is just one more example of the lack of clear direction of this cumbersome system.

As for the outcome of Special Registration, it remains to be seen. Whether the nation will see any perceptible benefits generated in return for the investment of time and labor will hopefully become apparent in the future. As the Department of Homeland Security continues to implement and expand the system, what it intends to do with the information it is gathering and whether Special Registration will ultimately prove to be in the "national interest" will surely become evident.

¹ See, Attorney General Prepared Remarks on the National Security Entry-Exit Registration System, June 6, 2002, <http://www.usdoj.gov/ag/speeches/2002/060502agpreparedremarks.htm>.

² See, INA Sec. 263(a)(6).

³ See, 56 Fed. Reg. 1566.

⁴ See, 58 Fed. Reg. 68024.

⁵ See, 58 Fed. Reg. 68157.

⁶ See, 61 Fed. Reg. 46829.

⁷ See, 63 Fed. Reg. 39109.

⁸ See, Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104-208, 110 Stat. 3009, codified at 8 USC Sec. 1365a (IIRAIRA).

⁹ See, Uniting and Strengthening America By Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, Pub. L. No. 107-56, 115 Stat. 272 (USA PATRIOT Act) and Enhanced Border Security and Visa Reform Act of 2002, Pub. L. 107-73, 116 Stat. 543 (Border Security Act).

¹⁰ See, 8 CFR Sec. 264.1(f)(3) and (4).

¹¹ See, 67 Fed. Reg. 52584.

¹² See, note 11 *supra*.

¹³ See, *Special Registration Procedures for Certain Nonimmigrants (for all Call-In Groups), Questions and Answers*, http://www.bcis.gov/graphics/lawenfor/specialreg/CALL_IN_ALL.pdf.

¹⁴ See, 63 Fed. Reg. 39109 (July 21, 1998).

¹⁵ See, 67 Fed. Reg. 57032 (September 6, 2002).

¹⁶ See, Kris Kobach, Counsel to the AG, Foreign Press Center Briefing, January 17, 2003, <http://fpc.state.gov/16739.htm>.

¹⁷ See, 67 Fed. Reg. 67766 (November 6, 2002).

¹⁸ See, 67 Fed. Reg. 70526 (November 22, 2002).

¹⁹ See, 67 Fed. Reg. 77136 (December 16, 2002).

²⁰ See, 67 Fed. Reg. 77642 (December 18, 2002).

²¹ See, 68 Fed. Reg. 2363 (January 16, 2003).

²² See, 68 Fed. Reg. 2366 (January 16, 2003).

²³ See, 68 Fed. Reg. 8046 (February 19, 2003).

²⁴ See, 67 Fed. Reg. 67766 (November 6, 2002).

²⁵ Available on-line at <http://www.bcis.gov/graphics/formsfee/forms/ar-11sr.htm>.

²⁶ See, 8 C.F.R. § 217; 22 C.F.R. § 41.2 (many European Union countries, Japan and others are exempt from needing a visa to enter the U.S. as a visitor for business or pleasure for a period not in excess of 90 days).

²⁷ See, 8 C.F.R. § 217.4(b),(c).

²⁸ See, 67 Fed. Reg. 40581-82 (June 13, 2002).

²⁹ See, Summaries of special registration procedures and results reported by American Immigration Lawyer's Association members, <http://www.aila.org>, AILA InfoNet Doc. No. 02121642 (December 16, 2002, updated January 30, 2003).

³⁰ The regulations do state, however, that the officers may request any information they deem necessary in the interest of national security.

³¹ See, INA § 245(i).

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³² See, Prosecutorial Discretion Guidelines (November 28, 2000), <http://www.bcis.gov/graphics/publicaffairs/factsheets/prosecut.htm>.

³³ See, Summaries of special registration procedures and results, note 27 *supra*.

³⁴ See, 8 C.F.R. §239.1.

³⁵ See, 8 C.F.R. § 240.11(a), 240.20.

³⁶ See, 8 C.F.R. 240.25, 240.26.

³⁷ Note: the respondent must follow procedures established to ensure that he complies with the judge's order granting voluntary departure, including reporting to the U.S. consulate in his home country, or the country designated for his return.

³⁸ See, 8 C.F.R. § 212.2(a).

³⁹ See, Press release regarding transition, February 28, 2003, at <http://www.dhs.gov/dhspublic/display?theme=43&content=489>. Also, visit the new Department of Homeland Security web site at www.dhs.gov.

⁴⁰ Visit the new BCIS web site at www.bcis.gov.

⁴¹ Visit the new BICE web site at www.bice.immigration.gov.

⁴² Visit the new BCBP web site at cbp.customs.gov.

***Gender-Based Persecution,
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protection, in part, due to the fact that she could not show that her husband had abused other women in her same position and that he beat her indiscriminately, rather than for her resistance to the abuse.

The anticipated erosion of protection for women will result in the tacit support of such practices. For A., the inability to be considered for asylum would send her back into the arms of her abuser and his family. The rewards for her courage in finally seeking protection and a safe future for her and her children should not be a return to the past. At one point in our meeting, A. raised her hands as if they were bound: "My hands are still tied," she said. "I have struggled to do the best for my children and yet he still has control – he keeps me bound." If Attorney

General Ashcroft has his way, the law will only further secure the ties.

¹ For complete information on this program see <http://www.immigration.gov/graphics/lawenfor/specialreg/specialrtl.gif>.

² See, e.g. Silja J.A. Talvi, "INS Special Registration Ends in Mass Arrests," In These Times *Feb. 7, 2003) at 3.

³ "Pakistani families fleeing U.S. to Canada due to fear of Homeland Security Department's registration process," National Public Radio, Morning Edition (Mar. 28, 2003).

⁴ UNHCR, Guidelines on International Protection: Gender-Related Persecution within context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees, UN Doc. HCR/GIP/02/01 (May 7, 2002), available at www.unhcr.ch/cgi-bin/texis/vtx/home/opendoc.pdf?tbl=MEDIA&id=3d58ddef4&page=publ.

⁵ *Id.*

⁶ Immigration and Nationality Act (INA), §101(a)(42)(A); 8 U.S.C. §1101(a)(42)(a).

⁷ See *supra* footnote 4.

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observations are appropriate.

First, the right of cross-examination will be available in at least some zoning hearings.²⁴ Neither the Supreme Court nor the Appellate Court offered any specific guidelines for implementing these new rules. Thus, municipalities will have the task of adopting procedures "uniquely suited to local conditions."²⁵ The Appellate Court identified a number of the procedural issues to be addressed, including: (i) who are the beneficiaries of such rights (*i.e.*, who has standing to cross-examine); (ii) what will be the allowable scope of cross-examination; (iii) which witnesses will have their testimony subject to cross-examination; and (iv) what factual issues are relevant for purposes of cross-examination.²⁶ Although these issues may

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be customary for courts to decide, they are not standard fare for local zoning officials, who in the vast majority are not trained as attorneys. Moreover, both the Appellate Court and Supreme Court cautioned that reasonableness of such procedures will be subject to judicial review based on the particular circumstances.²⁷

As a result, special use and other zoning hearings will likely take on the character of “mini-trials.” This will necessarily increase the complexity of the hearing process. Moreover, because the Court has now recognized a procedural due process claim where someone is not extended adequate opportunities for cross-examination, municipalities will be faced with the Hobson’s Choice of allowing unrestrained cross-examination for every person who requests it, or facing litigation every time someone believes his or her cross-examination rights were improperly curtailed. The former approach presents the risk of interminable hearings (with associated administrative and policy costs),²⁸ while the latter increases the need for (and cost of) legal services for property owners, developers, and municipalities alike.

Second, because more extensive hearing preparation will be necessary to create an effective hearing record, the valuable “give and take” that has been characteristic of Illinois zoning may disappear. As hearing participants become more heavily invested in promoting their positions earlier in the process, the opportunity for compromise will diminish and the likelihood of litigation will increase.²⁹ Moreover, courts can expect more zoning litigation because *Klaeren* has introduced a new form of zoning litigation based solely on the procedures employed at a public hearing, independent of the correctness of the zoning decision.³⁰

Third, the *Klaeren* decision may diminish public participation. If certain zoning hearings are now deemed quasi-judicial, a disappointed

applicant may be required to sue all residents who asked questions at the hearing because they are conceivably parties in interest.³¹ Similarly, any person who testifies may suddenly become the subject of cross-examination by a petitioner or another resident. Also, as the entire process becomes increasingly legalistic, neighboring property owners may feel that their rights cannot be fully exercised without legal counsel. The cost to the ordinary citizen of communicating to local officials at public hearings may increase and become prohibitive.

Finally, at least in the short-term, *Klaeren* will cause much uncertainty as courts, property owners, developers, neighbors, and municipalities sort out numerous questions, such as: Who are necessary parties? How do traditional *LaSalle* factor cases and *Klaeren*-type reviews interrelate (especially when both rezonings and special use permits are often requested in order to advance a development proposal)? What is the standard of review in a *Klaeren*-based action? What constitutes the record on review in such a case? Whatever the ultimate outcome on these and other questions, it is quite likely that zoning decisions will take longer and cost more to be finally resolved.

**TAKING A STEP FORWARD BY GOING
BACK**

Before going too far down the path paved by *Klaeren*, it is worth asking an important question: “Why?” The changes wrought by *Klaeren* arise primarily from the Supreme Court’s decision to reverse more than 40 years of precedent. In doing so, the Court did not identify any existing problems with the longstanding approach of treating special use permits as legislative acts. Rather, the Supreme Court accepted on their face various commentaries that most other States treat the granting or denial of special use permits as

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adjudicative acts.³² Assuming that those commentaries provide an accurate census of the number of States following the adjudicative rather than legislative approach, that still should not be a sufficient justification for overturning 40-plus years of precedent and ignoring the statutory structure established by the General Assembly.

In many of the States where special use permits are deemed an adjudicative process, the statutory framework provides for the review of special use permit decisions through an established proceeding.³³ In contrast, although the General Assembly has enacted the Administrative Review Law to provide judicial oversight of administrative decisions in Illinois,³⁴ the Administrative Review Law does not apply to zoning decisions made by municipal corporate authorities.³⁵

In addition, the Supreme Court's decision was based in part on its conclusion that the General Assembly intended to treat special use permits as an adjudicative function when it amended the law to require a separate hearing body to develop findings of fact for special use permits.³⁶ At the time of those amendments, however, the prevailing judicial view of those changes was that "the local legislature is removed from the *fact-finding process*."³⁷ More telling is that the Illinois Municipal Code places no restrictions on the corporate authorities of a municipality in approving a special use permit, except that a super-majority vote may be required if the hearing body does not make a favorable recommendation.³⁸ If the corporate authorities were intended to function as an adjudicative body, they would have been constrained to make findings of fact based exclusively on the hearing record. Instead, the statute provides that the actions of the corporate authorities are to be based on the ultimate legislative measure — the sheer force of a vote.

Although the pre-*Klaeren* approach of

having municipal councils legislatively decide on special use permits (with property owners having resort to the courts through a *LaSalle* factor case) may not have been perfect, it was not broken. So what was the Supreme Court trying to fix? The Court gave no explanation. Because of the additional expense and uncertainty that municipalities, property owners, and members of the public will experience from *Klaeren*, there may be value in seeking a solution through the General Assembly. A simple statement added to Section 11-13-13 of the Municipal Code could effectively reverse *Klaeren*, to-wit: "All final decisions of the corporate authorities under this Division shall be legislative actions."

In the months since *Klaeren* was decided, problems that developers, municipalities, and the general public will encounter have become increasingly apparent. As strange of bedfellows as they may be, perhaps the interests of all are served by returning special use permits to the legislative arena.³⁹ As is often the case, the evils we know are preferred to the evils we don't.

¹ *People ex rel. Klaeren v. Village of Lisle*, 316 Ill. App. 3d 770, 737 N.E.2d 1099 (2d Dist. 2000).

² *People ex rel. Klaeren v. Village of Lisle*, 202 Ill. 2d 164, 781 N.E.2d 223 (2002).

³ 781 N.E.2d at 225-29.

⁴ *Id.* at 229.

⁵ *Id.*

⁶ 737 N.E.2d at 1107.

⁷ *Id.* at 1110.

⁸ 781 N.E.2d at 233.

⁹ *Id.* at 233-34.

¹⁰ *Id.* at 234.

¹¹ The Supreme Court long ago recognized that municipalities act legislatively when conducting zoning hearings. *LaSalle Nat'l Bank v. County of Cook*, 12 Ill. 2d 40 (1957). Moreover, the Supreme Court confirmed the legislative nature of special use permits in *Kotrich v. County of DuPage*, 19 Ill. 2d 181 (1960), and Illinois courts have consistently re-affirmed the legislative character of special use permits.

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¹² 781 N.E.2d at 234.

¹³ For example, an annexation agreement under Division 11-15.1 of the Illinois Municipal Code, 65 ILCS 5/11-15.1-1 *et seq.*, must be presented at a public hearing before it may be approved. By nature and statute, such agreements are site specific and directly affect property rights. Under the Court's decree in *Klaeren*, a municipality's decision on *whether and on what terms* to enter into an agreement (which is a voluntary undertaking) would now be subject to judicial review. Courts are singularly ill-equipped to review the wisdom of such decisions, but the *Klaeren* formulation (a public hearing where the property rights of interested parties are at stake) would presumably bring such matters before the courts.

¹⁴ See *River Park, Inc. v. City of Highland Park*, 23 F. 3d 164, 166 (7th Cir. 1994), *citing City of Eastlake v. Forest City Enterprises, Inc.*, 426 U.S. 668 (1976) (procedural due process can be satisfied for zoning decisions through the political process without any hearing); *Hunter v. City of Pittsburgh*, 207 U.S. 161 U.S. 178-79 (1907) (no process is constitutionally due in annexation decisions).

¹⁵ Cf. *LaSalle Nat'l Bank v. County of Cook*, 12 Ill. 2d 40, 46-48 (1957). When planned developments or other special use permits are involved, courts can evaluate whether the *LaSalle* factors have been satisfied by considering the standards for such relief as provided in the local zoning ordinance. See *LaSalle Nat'l Bank v. Village of Bloomingdale*, 154 Ill. App. 3d 918 (2nd Dist. 1987).

¹⁶ The statutory procedures of the Administrative Review Law, 735 ILCS 5/3-101 *et seq.*, apply only when expressly authorized by statute. See also *Wilkins v. State of Illinois*, 51 Ill. 2d 88, 90 (1972) (administrative review procedures are only available when expressly authorized by statute). When the Administrative Review Law does not apply, a common-law writ of *certiorari* is available. See *Alicea v. Snyder*, 321 Ill. App. 3d 248, 253, 748 N.E.2d 285, 290 (4th Dist. 2001) ("A common-law writ of *certiorari* is a general method for obtaining circuit court review of administrative actions when the act conferring power on an agency does not expressly adopt the Administrative Review Law."). The nature and extent of judicial review is virtually the same under both the Administrative Review Law and the common law writ. See *Dubin v. Personnel Board of City of Chicago*, 128 Ill. 2d 490, 498 (1989). The primary difference is that the Administrative Review Law requires strict adherence

to special statutory procedural requirements. See *ESG Watts, Inc. v. Pollution Control Bd.*, 191 Ill. 2d 26, 30 (2000).

¹⁷ See 65 ILCS 5/11-13-13. See also *Wilkins*, 51 Ill. 2d at 90.

¹⁸ See *Russell v. Dep't of Natural Resources*, 183 Ill. 2d 434, 440-41 (1998) (*certiorari* is available when there is no other available form of review).

¹⁹ See *Zenith Vending Corp. v. Village of Schaumburg*, 180 Ill. App. 3d 354, 361-62 (1st Dist. 1989).

²⁰ 781 N.E.2d at 233.

²¹ See *Bieretz v. Village of Montgomery*, 67 Ill. App. 2d 403 (2d Dist. 1966).

²² See 65 ILCS 5/11-13-14.

²³ See 65 ILCS 5/11-13-13 (administrative review applies when the zoning board makes a final administrative decision).

²⁴ Although final variation hearings before zoning boards of appeals have long been recognized as quasi-judicial hearings, the right of interested parties to cross-examine witnesses has not been apparent in municipalities outside Chicago. The Illinois Municipal Code provisions extending rights of cross-examination apply expressly only to municipalities over 500,000. 65 ILCS 5/11-13-7a.

²⁵ 737 N.E.2d at 1111.

²⁶ *Id.* at 1110-12.

²⁷ 781 N.E.2d at 235-36; 737 N.E.2d at 1111.

²⁸ The administrative costs will be further increased because full transcripts may become necessary to preserve the record for future review of the newly ordained quasi-judicial hearings. Municipal officials have expressed concern that interminable hearings will negatively affect public policy decisions by making it difficult to recruit qualified citizens to serve on zoning boards of appeals and plan commissions. Such bodies typically consist only of volunteers.

²⁹ The likelihood of litigation will be further increased because municipal zoning staffs will be required to take an adversarial position with every zoning petition since (i) they will not have received any direction from the corporate authorities on the acceptability of any particular petition (and, in fact, such pre-hearing direction may be inappropriate because of the need to preserve the objectivity of a quasi-judicial body), and (ii) if they do not, the municipalities will be hampered in defending denials of zoning requests.

³⁰ Such litigation is not fanciful, as astute neighbors will realize that the delay of litigation can, in many instances, effectively kill a development proposal.

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³¹ Under the Administrative Review Law, the appellant has to name as a defendant every party of record to the Administrative Review proceeding. See 735 ILCS 5/3-107. Although no Illinois appellate court has extended this rule to apply to common law *certiorari* proceedings, no Illinois appellate court has held specifically that it does not apply. But see *Bill v. Education Officers Electoral Bd. of Comm. Consol. Sch. Dist. No. 181*, 299 Ill. App. 3d 548, 554, 701 N.E.2d 262, 266 (1st Dist. 1998) (“[I]t is critical to recognize that the Administrative Review Law only applies where it is adopted by express reference in the act creating or conferring power upon the administrative agency involved.”).

³² *City of Chicago Hts. v. Living Word Outreach Full Gospel Church of Ministries, Inc.*, 196 Ill. 2d 1, 14 (2001).

³³ See, e.g., *Jennings v. Dade County*, 589 So. 2d 1337 (Fla. 3d DCA 1991).

³⁴ 735 ILCS 5/3-101 *et seq.*

³⁵ The Illinois Municipal Code expressly applies the Administrative Review Law only to the final decisions of municipal boards of appeals. 65 ILCS 5/11-13-14. Interestingly, while the Circuit, Appellate, and Supreme Courts in *Klaeren* all relied on *E&E Hauling Inc. v. County of DuPage*, 77 Ill. App. 3d 1017 (2d Dist. 1979), in suggesting that adjudicative procedures are required in connection with a municipal special use permit, not one of them considered that the General Assembly has made decisions of county boards (unlike municipal boards) expressly subject to review under the Administrative Review Law. 55 ILCS 5/1-6007.

³⁶ *Living Word*, 196 Ill. 2d at 15-16, relying on *Geneva Residential Ass’n v. City of Geneva*, 77 Ill. App. 3d 744 (2d Dist. 1979).

³⁷ *Geneva Residential Ass’n*, 77 Ill. App. 3d at 754-755 (emphasis added).

³⁸ 65 ILCS 5/11-13-1.1. In fact, unless the corporate authorities of the municipality expressly adopt an ordinance calling for a two-thirds vote, the vote required to overturn the recommendation of the hearing body is a simple majority.

³⁹ This proposal to return to treating the zoning decisions of municipal corporate authorities as legislative should not be interpreted as opposition by the authors to fair opportunity for the public to comment on, and object to, various zoning proposals.

***Child Support,
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Secretary of State, the U.S. Department of State, and the U.S. Department of Treasury.

RESULTS & RECOMMENDATIONS***CUSTOMER SERVICE: A FAILING OF THE
ILLINOIS SYSTEM***

Parents who try to use the services of Illinois’ IV-D program find that child support workers are unhelpful, uninformed, and rude. They have a difficult time locating anyone at IDPA who can give them information about their case or answer their questions. Some reasons for the poor customer service in Illinois are a high caseload per child support worker, a lack of technology such as an automated customer service phone system, insufficient training, and inconvenient operating hours.

Chicago Appleseed recommends that the IV-D agency adopt the following in order to improve its service to its customers:

1. Open local offices at convenient locations and hours;
2. Reduce caseload per worker;
3. Respond to customer grievances;
4. Evaluate employees and hold them accountable;
5. Improve technology by installing a voice mail and automated phone system; and
6. Implement a child support worker certification program.

***STRUCTURE OF THE CHILD SUPPORT, IV-D
AGENCY***

The heavily bureaucratic and disjointed structure of Illinois’ IV-D program has resulted in a system where effective communication is non-existent. Because of this, child support workers do not have a broad picture of how all the components of the system fit together. Instead, they are only able to focus on

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the performance of their narrow job functions. Therefore, when a parent asks a question about a part of the process beyond the worker's narrow job function, the worker is unable to answer the question but instead refers the parent to someone else. Or even worse, the child support worker gives out inaccurate information that can lead to real problems down the road for the parent.

The structure of Illinois' IV-D program has resulted in a variety of problems including inordinate delays, unreliable and hard-to-get information, and uninformed workers. Some policies and practices that contribute to the problems are that each child support case does not have a "go to" person assigned to the case, workers do not understand and cannot explain the child support process to parents, child support workers are overloaded, intake is conducted by non-legally trained personnel, and the IV-D agency does not provide enough services to non-custodial parents.

Recommendations for Illinois from national child support experts include creating an independent state agency to handle child support, converting the funding source to general appropriations, increasing funding for the IV-D program, reducing the number of agencies involved, and distributing all child support to families.

To improve the structure of the IV-D agency, Chicago Appleseed recommends that Illinois:

1. Create a single agency with the sole responsibility of child support in Cook County;
2. Develop client service teams;
3. Have IV-D agency staff perform functions that are not outsourced;
4. Implement intake procedures that assign cases to the appropriate unit based on its needs;
5. Train staff well in legal skills, domestic violence issues, and ancillary services so

- they can make effective referrals;
6. Assure that staffing level is appropriate; and
7. Evaluate employees on performance and customer service.

THE EXPEDITED DIVISION

The Expedited Child Support Division of the Domestic Relations Division of the Circuit Court utilizes hearing officers to reduce the number of cases heard by judges. Only where one of the parties contests the recommended order of a hearing officer will the case be sent to a courtroom. Advantages of this structure are that it reduces the caseload of the judges and increases the speed with which cases are processed.

Problems have arisen, however, with the Expedited Division. Attorneys in particular feel that going through hearing officers causes more delay, not less. This is because an attorney will almost always disagree with the hearing officer's recommendation, so the case will have to be argued and heard twice, once in front of the hearing officer and once in front of the judge. Another concern is that never-married parents are relegated to the Expedited Division, while cases involving divorce are heard in the Circuit Court. Individuals familiar with the facilities at both locations complain that the condition of the Expedited Division is much poorer than the Circuit Court, and that the Expedited Division is much more crowded than the Circuit Court.

PRO SE LITIGANTS

Attorneys do not represent a large majority of non-custodial parents with child support cases in the Expedited Division. This is particularly problematic because almost all custodial parents are assisted by attorneys provided by the State's Attorney's Office. As a result, non-custodial parents many times leave hearings confused and with a feeling that the system is unfairly biased in favor of the custodial parent. It is important that someone be

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