

# SLIPPING THROUGH THE CRACKS.



## AN EVALUATION OF COOK COUNTY'S DOMESTIC VIOLENCE DIVISION IN CHICAGO

**CHICAGO APPLESEED CENTER FOR FAIR COURTS  
& CHICAGO COUNCIL OF LAWYERS**

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Chicago Appleseed Center for Fair Courts is a volunteer-led, collaborative 501(c)(3) non-profit organization advocating for fair, accessible, and anti-racist courts in Chicago, Cook County, and across the state of Illinois.



The Chicago Council of Lawyers is Chicago's public interest bar association, advocating for the fair and effective administration of justice.

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# ABSTRACT.

Specialized domestic violence courts vary greatly in composition, with some consolidating domestic relations and domestic violence into one courthouse and others providing specialized services only in pretrial or emergency proceedings. Courts which combine civil and criminal proceedings, like the one in Cook County, are in the minority. With the creation of its new Domestic Violence Division in 2010, Cook County became unique in the U.S. and in Illinois, placing all Domestic Violence cases into a specialized division and creating a dedicated courthouse at 555 West Harrison Street in Chicago.

**For this report, Chicago Appleseed Center for Fair Courts & Chicago Council of Lawyers reviewed best practices for specialized domestic violence courts, interviewed over 30 Cook County judges and social service practitioners, and completed at least 180 courtroom observations.**

We identify common themes that suggest the courthouse located at 555 West Harrison in Chicago has a variety of necessary but under-funded support services and a wide range in the quality of judges and court staff, which systematically perpetuates institutional racism, classism, and sexism by creating inaccessible courts. Based on these findings, we recommend nine concrete steps the Circuit Court of Cook County should consider to improve accessibility, communication, community support and service provision, and judicial effectiveness.

## ACRONYMS.

- **ASA:** Assistant State's Attorney
- **CPD:** Chicago Police Department
- **CNCO:** Civil No Contact Order
- **CCSO:** Cook County Sheriff's Office
- **CCSAO:** Cook County State's Attorney's Office
- **D CASE:** Divorce Case
- **DR:** Domestic Relations
- **DRD:** Domestic Relations Division
- **DV:** Domestic Violence
- **DVD:** Domestic Violence Division
- **EOP:** Emergency Order of Protection
- **FRB:** Fatality Review Board
- **GBV:** Gender-Based Violence
- **IDVA:** Illinois Domestic Violence Act
- **NDVFRI:** National Domestic Violence Fatality Review Initiative.
- **OCJ:** Office of the Chief Judge
- **OP:** Order of Protection
- **PD:** Public Defender
- **SNCO:** Stalking No Contact Order
- **VAWA:** Violence Against Women Act

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# INTRODUCTION.

## **Illinois enacted its Domestic Violence Act (IDVA) in 1982, with its first comprehensive revision in 1986.[1]**

The Illinois Domestic Violence Act defines a domestic relationship as between any “family or household member,” which includes: current or former spouses or intimate partners; parents, children, and stepchildren; people related by blood or a current or former marriage, who share a blood relationship through a child, or who are the parents of the same child; people who currently or previously live or work together or in the same building (“share a common dwelling”); and “persons with disabilities and their personal assistants” or their legal caregivers. The IDVA was modeled on approaches being taken in other states at the time: recognizing domestic violence (DV) as serious in nature and expanding both civil and criminal remedies, understanding the need to encourage cooperation through support and acknowledging, additionally, the economic harm to people experiencing abuse in attempting to leave dangerous situations.[2]

The Order of Protection (OP) created by the IDVA was a new legal concept in Illinois, allowing both civil Orders of Protection—obtained in conjunction with civil matters like divorce or in independent civil proceedings—and criminal

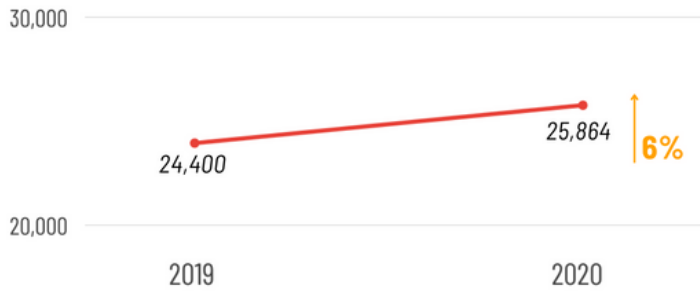
orders in conjunction with prosecutions for assault, and establishing criminal penalties for the violation of either order.[3] Anti-stalking provisions were added in 1992, modeled on California law.[4] The provisions created felony offenses of stalking and aggravated stalking and allowed judges to deny bail where conditions of imminent danger existed. Because OPs under the IDVA were limited to certain familial and dating relationships, as defined above, a gap existed in protections against gender-based violence and threatening stalking behaviors where no familial nor intimate/romantic relationships existed. The Civil Liabilities, Stalking No Contact Order Act in 2010 created the Stalking No Contact Order (SNCO) and closed this gap.

## **Domestic and gender-based violence (GBV) has remained a severe issue for communities throughout Illinois.**

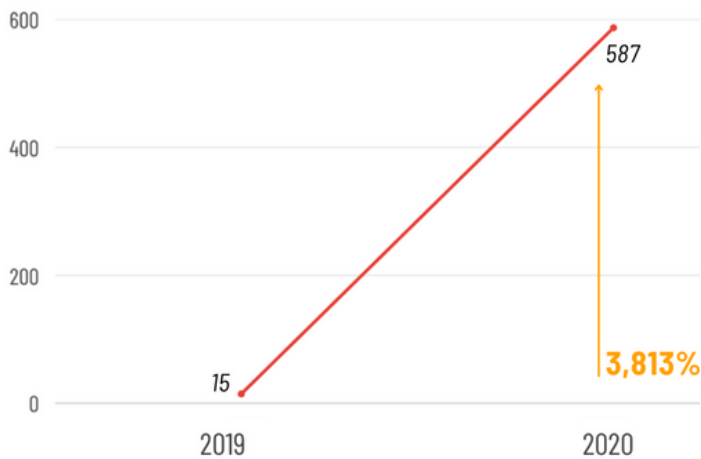
In 2019, around 2,458 domestic incidents were documented by the Cook County Sheriff's Office (CCSO) and 193,800 domestic violence related calls were made to the Chicago Police Department (CPD), which resulted in at least 10,095 DV-related arrests by the CPD.

- 1 Illinois Revised Statutes: Chapter 40, paragraphs 2301-1 to 2305-1 (1985); 750 ILCS 60/ et seq., eff. Aug. 21, 1986.
- 2 Boland, M. (1982). “Domestic Violence: Illinois Responds to the Plight of the Battered Wife - The Illinois Domestic Violence Act.” *John Marshall Law Review* 16 at <https://repository.law.uic.edu/cgi/viewcontent.cgi?article=2275&context=lawreview>
- 3 Illinois Domestic Violence Act: A State's Attorney's Manual, p.6 (1983): <https://www.ojp.gov/ncjrs/virtual-library/abstracts/illinois-domestic-violence-act-states-attorneys-manual> & Boland, M. (1982). “Domestic Violence: Illinois Responds to the Plight of the Battered Wife - The Illinois Domestic Violence Act.” *John Marshall Law Review* 16 at <https://repository.law.uic.edu/cgi/viewcontent.cgi?article=2275&context=lawreview>
- 4 See e.g., <https://apnews.com/article/92a76e98a91a3e17af1d2dda3e090b46> & <https://www.upi.com/Archives/1992/07/12/Illinois-governor-signs-anti-stalker-bill/8157710913600>

## CALLS TO THE ILLINOIS DOMESTIC VIOLENCE HOTLINE:



## TEXTS TO THE ILLINOIS DOMESTIC VIOLENCE HOTLINE:



Data from <https://the-network.org/>

Also in 2019, 24,400 calls were made to the Illinois Domestic Violence Hotline. In 2020, calls increased by 6% and texts increased by 3,813% in Chicago alone; in 2021, the Illinois Domestic Violence Hotline saw another 8% increase in contacts, hearing from more than 32,000 people.

**The majority of Domestic Violence Hotline callers in 2019 were people of color, with 80% identifying as Black and 40% being of low socioeconomic status.[5]**

Cook County has a large pool of social support agencies for people experiencing domestic, intimate partner, or gender-based violence.[6] Despite the number of organizations and overwhelming need for support services for people experiencing domestic violence in Cook County, 4,033 adults and 4,018 children were turned away from a domestic violence service provider in 2019.[7] In order to eliminate some of this gap, advocates secured a historic investment of \$70.9 million for domestic violence services in Illinois during the most recent legislative session. While this is a broad budget mandate, it reflects increased scrutiny on available services for survivors and on the allocation of resources toward support.

<sup>5</sup> See "Measuring Safety: Gender Based Violence In Illinois" (2020) by The Network: Advocating Against Domestic Violence at [https://the-network.org/wp-content/uploads/2021/06/BA-TheNetwork-2020-Annual-Report\\_06-2.pdf](https://the-network.org/wp-content/uploads/2021/06/BA-TheNetwork-2020-Annual-Report_06-2.pdf)

<sup>6</sup> See Appendix 1 for a summary of the large pool of social support agencies for people experiencing domestic, intimate partner, or gender-based violence in Cook County.

<sup>7</sup> *Id* at 5.

# BACKGROUND.

## DOMESTIC VIOLENCE IN THE UNITED STATES

**Domestic violence, while not always occurring between intimate partners, is most often perpetrated on women and nonbinary people.**

According to the National Coalition Against Domestic Violence, 25% of women (compared to 11% of men) in the United States report experiencing “severe” intimate partner physical or sexual violence or stalking in their lifetimes. Over 14% of women (compared to about 5.5% of men) report having been stalked by intimate partner “to the point in which they felt very fearful or believed that they or someone close to them would be harmed or killed.”<sup>[8]</sup>

**These statistics make sense when considering the historical context in which women have had to fight for equal rights to property, civic access, and autonomy.**

Although civil and legal rights movements have come a long way to protecting the rights of women, to this day, some states retain certain aspects of common law that situate wives as property of their husbands:

*Historians have often characterized the first woman's rights movement as narrowly intent on securing gender-neutral rights of access to the public sphere, with suffrage defined as the movement's overriding and most radical goal. Yet leading nineteenth-century feminists argued – in public, vociferously, and systematically – that*

### REPORTS OF “SEVERE” PHYSICAL OR SEXUAL INTIMATE PARTNER VIOLENCE



### REPORTS OF STALKING TO THE POINT OF FEARING BEING HARMED OR KILLED.



Data from <https://ncadv.org/STATISTICS>

<sup>8</sup> See e.g., <https://ncadv.org/STATISTICS>



*economic and political equality, including even the vote, would prove hollow, if women did not win the right to set the terms of marital intercourse. Indeed, feminists explained a woman's lack of control over her person as the key foundation of her subordination.[9]*

This historical context has acted, in some ways, as a barrier to women's rights to bodily autonomy and the ability to consent, helping to limit the legal protections of people from domestic violence.

## **BEFORE VAWA: ATTITUDES TOWARD DOMESTIC VIOLENCE**

Apathy in the criminal legal system toward domestic violence in the latter half of the twentieth century is generally well-documented. Women's movements – particularly of the 1970s – focused heavily on putting an end to the societal and legal acceptance of sexual violence and “wife beating.” As explained by Clark (2011):

*In the 1970s, feminists documented the widespread incidence of wife beating and asserted that it was not just working-class husbands who assaulted their wives, but all classes of men. They defined wife beating as one extreme in a spectrum of male efforts to dominate women, and argued that rape was a crime of violence, not sex. Feminists founded shelters where*

*women could take refuge, demanded that the police do more to protect women, and advocated for battered women in the courts.[10]*

In the 1990s, definitions of rape and perceptions around sexual violence, as well as perceptions of the people who perpetrated this violence, shifted from a belief that sexual violence was committed by deranged men against strangers to an understanding that gender-based violence – including sexual violence – tends to happen within the context of interpersonal relationships and is not a result of mental illness.[11] Likewise in the early 1990s, jurisdictions began to define “stalking” as a crime, the Immigration and Naturalization Service first recognized domestic violence as grounds for asylum, and the American Medical Association released screening criteria and recommended that medical professionals look for signs of domestic abuse to improve intervention efforts.

By the early-1990s, all U.S. states had eliminated marital exemptions to rape laws, although the landscape of prosecution and protections for women remains complicated and incomplete.[12] Communities had begun implementing “domestic violence fatality review” boards and processes to identify systemic failures in intervention and services with the hope of reducing incidents of domestic violence and improving interventions prior to escalations, particularly where domestic violence ends in homicide.

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<sup>9</sup> Hasday, J. (2000). Contest and Consent: A Legal History of Marital Rape. *California Law Review* 88 (1,373-1,505). Accessible at [https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=11686&context=journal\\_articles](https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=11686&context=journal_articles)

<sup>10</sup> Clark, A. (2011). Domestic Violence, Past and Present. *Journal of Women's History* 23(3), 193-202. doi:10.1353/jowh.2011.0032

<sup>11</sup> See e.g., [https://vawnet.org/sites/default/files/materials/files/2016-09/AR\\_ChangingPerceptions.pdf](https://vawnet.org/sites/default/files/materials/files/2016-09/AR_ChangingPerceptions.pdf)

<sup>12</sup> *Id.*

## THE PASSAGE OF THE VIOLENCE AGAINST WOMEN ACT

In 1994, the thirty-year movement to address intimate partner violence against women was about to reach fruition. Feminist organizers and various organizations diligently worked to educate the public and legislators about the prevalence of intimate partner violence that was occurring in homes across the country. In addition to bringing domestic violence from a private matter into the public consciousness, the movement advocated for domestic violence shelters, improving women's access to courts, and funding programs that could address or prevent domestic and gender-based violence. Congress passed the Violence Against Women Act (VAWA) in 1994, the first comprehensive federal legislation to address gender-based violence. It recognized domestic violence as a serious issue and offered federal solutions to relieve stress on state and local criminal legal systems. VAWA included provisions focused on prevention, funding for victim services, and evidentiary matters. Importantly, it also created a requirement that every state afford full faith and credit to Orders of Protection issued anywhere in the country. Prior to VAWA and efforts from the feminist movement to shift the issue from a personal to a legal one, domestic

violence was often ignored by law enforcement, as officers were instructed to avoid arrests and were encouraged to "mediate" domestic incidents. From a cultural standpoint, a significant number of people wrongly believed domestic violence to be a problem predominantly faced by Black and poor women at heightened levels.[13]

### **Cultural biases against Black women and poor women contributed to the problematic understanding of intimate partner violence as the fault of the harmed person rather than the fault of the one who harms.**

Although the public education efforts of the movement at the time of VAWA's passage sought to frame intimate partner violence as equally affecting all women,[14] public messaging centered the experiences of White women[15] and excluded others. Some components of VAWA left many Black women and advocates of color conflicted. While Black women were experiencing violence, many Black communities knew their relationship to police differed from White communities; they feared that some of VAWA's carceral provisions, including increasing police power, would lead to increased aggressive policing of their communities, among other unintended consequences.

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<sup>13</sup> On the role poverty plays in preventing victims from seeking help and the role domestic violence plays in creating poverty and distinguishing these from causes of domestic violence and responsibility for violence, and for a discussion of how the message that "domestic violence happens in all families," while depicting middle class white women, relies on an initial, widely held belief that domestic violence occurs primarily in minority or poor families, see e.g., <https://fyi.extension.wisc.edu/financialseries/files/2012/02/Financial-Capability-and-Domestic-Violence.pdf>

<sup>14</sup> Neiman, N. (2015). Gender Bias in the Juvenile Justice System. *Student Works 790*. Accessible at [https://scholarship.shu.edu/student\\_scholarship/790](https://scholarship.shu.edu/student_scholarship/790)

<sup>15</sup> Crenshaw, K. (1991). Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color. For *Stanford Law Review* 43(6) at <http://www.jstor.org/stable/1229039> & Morrison, A. (2005). Changing the Domestic Violence (Dis)Course: Moving from White Victim to Multi-Cultural Survivor. For *UC Davis Law Review* 39(1061), 1071-1097 at [https://lawreview.law.ucdavis.edu/issues/39/3/deconstructing-image-repertoire-women-of-color/DavisVol39No3\\_MORRISON.pdf](https://lawreview.law.ucdavis.edu/issues/39/3/deconstructing-image-repertoire-women-of-color/DavisVol39No3_MORRISON.pdf)

Domestic violence remains primarily an issue of state law, but the federal framework provided by VAWA reflected a cultural shift in the understanding of intimate partner violence and the responsibility of courts toward survivors. VAWA provided a series of grants administered by the Office on Violence Against Women in the Department of Justice, for intervention and prevention, shelters, hotlines, and to courts and law enforcement. Reauthorizations have expanded available grants, expanded deferral definitions of crimes against women, and improved processes and protections for communities of color, immigrants, and same-sex or queer couples. Services for people in non-heterosexual couples or men who experience abuse from a partner who is a woman,

nonetheless, still lag behind services for women experiencing violence from a male partner. Additionally, VAWA remains insufficient in how it addresses criminalization of survivors—an issue which disproportionately impacts women of color and trans or gender fluid survivors of violence.[16] Finally, the civil rights remedy for survivors written into the law was struck down in 2000, removing the right to compensatory and punitive damages (as well as injunctive and declaratory relief); VAWA, therefore, no longer addresses the economic consequences of domestic violence and no longer seats the issue within the private right of a woman to be free of gender-based violence. Addressing these shortfalls will be critical in improving outcomes for everyone experiencing private violence.

## DOMESTIC VIOLENCE COURT INNOVATIONS

**By 2010, over 200 dedicated domestic violence courts existed in the U.S., where in 2000 there had been fewer than 50.[17]**

These courts are markedly distinct from specialty or problem-solving courts. Both specialized DV courts and problem-solving courts aim to improve outcomes for defendants, survivors, and communities through addressing underlying issues and root causes. DV courts, though, diverge from problem-solving court models

because of the unique nature of domestic violence and because there is no consensus that mental illness, anger issues or even addiction cause domestic violence:

*[T]he underlying problem is not an aberration or treatable illness of individual offenders but of societal values. Furthermore, among researchers, there is considerable doubt over whether court-mandated programs can succeed at rehabilitation in this area.[18]*

<sup>16</sup> See “The Impact of Incarceration and Mandatory Minimums on Survivors Exploring the Impact of Criminalizing Policies on African American Women and Girls” from U.S. Department of Justice, Office on Violence Against Women at <https://www.justice.gov/ovw/page/file/926631/download> & Said, N., Lindsay, S., & Tien, J. (2022). “Punished by Design: The Criminalization of Trans & Queer Incarcerated Survivors” at [https://survivedandpunished.org/wp-content/uploads/2022/06/PunishedByDesign\\_FINAL-2.pdf](https://survivedandpunished.org/wp-content/uploads/2022/06/PunishedByDesign_FINAL-2.pdf)

<sup>17</sup> Labriola, M., Bradley, S., O’Sullivan, C., Rempel, M., & Moore, S. (2010). A National Portrait of Domestic Violence Courts. Accessible at <https://www.ojp.gov/pdffiles1/nij/grants/229659.pdf>

<sup>18</sup> *Id.*

Dedicated domestic violence courts have distinct and divergent origins in each jurisdiction, as well as significant variation in structure, administration, and function. However, they serve common goals of victim safety and offender accountability.[19] Courts indicate a high level of interest in rehabilitation in their courts,[20] but despite a decades-long dominance of the “Duluth Model” for rehabilitation of perpetrators of domestic violence, there is no clear evidence for its success[21] and courts remained focused on safety and punishment goals. The Violence Against Women Act is often credited with reducing violence by 64% between 1993 and 2012[22] because:

*[It] requires a coordinated community response to domestic violence, sexual assault, and stalking [and encourages] jurisdictions to bring together players from diverse backgrounds to share information and use their distinct roles to improve community responses to violence against women.[23]*

Although VAWA certainly coincided with these changes, causality is more complex. VAWA, changes in state law concerning marital rape, and a rising public understanding of domestic violence created pressure on courts. Many changes in courts in the wake of VAWA reflected a need to relieve this pressure.

## SPECIALIZED COURTS

While specialized domestic violence courts (“DV Courts”) vary greatly in composition, many courts share some common themes. Generally, specialized domestic violence courts have common goals but not a unified approach; the courts focus on efficient case processing, informed decision-making, coordinated responses, and survivor safety and support. To that end, advocate agencies and prosecutors’ offices are often seated within those courts. Some jurisdictions consolidate their domestic relations and domestic violence cases, whereas others provide specialized services only at pretrial or emergency proceedings. It is a common practice to combine some criminal proceedings with civil proceedings and also for courts to combine all family proceedings (domestic relations and domestic violence) into the DV Court division. With the creation of its new Domestic Violence Division in 2010, Cook County became unique in the U.S. and in Illinois, placing all domestic violence cases into a specialized division, whereas most other jurisdictions seat their domestic violence cases within a specialized court in the Domestic Relations/Family and Criminal Divisions. Courts which combine civil and criminal proceedings, like the one in Cook County are the minority.

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<sup>19</sup> See “Specialized Domestic Violence Court Systems” The Advocates for Human Rights, May 2019, at [https://www.stopvaw.org/specialized\\_domestic\\_violence\\_court\\_systems](https://www.stopvaw.org/specialized_domestic_violence_court_systems)

<sup>20</sup> *Id* at 17.

<sup>21</sup> Mills, L., Grauwiler, P. & Pezold, N. (2006). Enhancing Safety and Rehabilitation in Intimate Violence Treatments: New Perspectives. *Public Health Reports* 121. Accessible at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1525346/pdf/phr121000363.pdf>

<sup>22</sup> Snyder, R. (2019). No Visible Bruises: What We Don't Know About Domestic Violence Can Kill Us. Scribe Publications Pty Limited. ISBN: 1925938131, 9781925938135. Accessible at [https://books.google.com/books/about/No\\_Visible\\_Bruises.html?id=xfq5DwAAQBAJ&source=kp\\_book\\_description](https://books.google.com/books/about/No_Visible_Bruises.html?id=xfq5DwAAQBAJ&source=kp_book_description)

<sup>23</sup> See e.g., <https://www.legalmomentum.org/history-vawa>

Domestic violence courthouses typically consider physical safety or privacy in designing the calls and calendaring cases; for instance, in Travis County (Austin), Texas, domestic violence cases are typically calendared on Fridays, which tend to have a lighter schedule and afford victims some increased level of privacy. A majority of divisions hearing domestic violence cases have a procedure to ensure emergency petitions are heard the same day.[24]

Partnerships with legal aid and other service organizations are common in these courts as well, with some DV Courts (including Cook County) having offices for those agencies in the courthouse where domestic violence cases are heard.[25] Most commonly, however, these partnerships manifest as referrals to externally-sited agencies or self-help resources. Legal aid not only increases the likelihood a person will succeed in obtaining an Order of Protection but having legal aid services for an OP is connected to better long-term outcomes for victims.[26]

Some DV Courts also provide court-based services—either legal assistance or forms assistance—to litigants. Forms assistance is limited to ensuring paperwork is complete, properly filed, and entered into case

management. Wayne County, Michigan, for example, offers typical forms assistance through the Social Service Specialist in the Victim Advocacy Program at no cost. This specialist assists the survivor with filling out the required forms, provides crisis counseling and refers the survivor to other services offered through community organizations. No legal aid or in-court assistance is offered. Some places, like Hennepin County, Minnesota, and the Bronx Family Court in New York, provide forms assistance by reviewing filings.[27] These partnerships between the court and legal or social agencies commonly extend to post-trial services because, as these courts recognize, families will continue to need court intervention for enforcement of orders and for other family needs like child support and parenting schedules, and additional supportive interventions improve outcomes for victims after entry of a protective order.

## FATALITY REVIEW BOARDS (FRB)

Fatality Review Boards are a deliberative process for identifying deaths—whether homicide or suicide—caused by domestic violence.

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<sup>24</sup> State statute controls what protective orders or restraining orders are available to petitioners—there is not a single term, nor single level of protection. We did not, however, find a single jurisdiction that does not have an emergency order offering some level of no contact protection available. For an explanation of the various orders and protections offered in Illinois, see Appendix 2.

<sup>25</sup> Cook County has office space for agencies that provide legal aid and advocacy in its Domestic Violence Courthouse, as does Charlotte, NC. Hennepin County, MN has on-site legal aid consultation daily and Wayne County, MI has on-site advocates who provide procedural information and support. Background research on various jurisdictions was provided for this report by Kirkland & Ellis and is summarized in Appendix 3.

<sup>26</sup> Rosenberg, J. & Grab, D. (2015). Supporting Survivors: The Economic Benefits of Providing Civil Legal Assistance to Survivors of Domestic Violence. For the Institute for Policy Integrity at NYU School of Law. Accessible at <https://policyintegrity.org/documents/SupportingSurvivors.pdf>

<sup>27</sup> For more information, see Appendix 3 or <https://www.mncourts.gov/Find-Courts/Hennepin/Hennepin-Domestic-Abuse-Service-Center.aspx>, <https://www.connectingjusticecommunities.com/tech-pilot-in-bronx-family-court-dramatically-increases-court-efficiency/2014/02/> & <https://www.waynecounty.com/elected/clerk/victim-advocacy-program.aspx>

FRBs review the systemic interventions to incidents of violence in the relationship to identify failures and help strengthen the coordinated responses in the future in order to preserve the safety of victims, hold perpetrators accountable, and bring oversight to the multiple agencies and organizations that come into contact with the parties. Fatality reviews are a critical tool in multi-agency, interdisciplinary strategies for confronting domestic violence. There is no national standard for FRBs—they operate under different models and structures to reduce fatalities from domestic violence by identifying where interventions have failed—but the National Domestic Violence Fatality Review Initiative (NDVFRI) provides technical assistance for these reviews.[28] Typically, board methodology is modeled on large-scale accident investigation and centers on where contacts with police, social services, medical professionals, courts, or other public institutions failed to interrupt the violence or provide an adequate safety plan for the harmed person or victim.

The Denver Metro Domestic Violence Fatality Review Board is one of the oldest in the country, founded in 1996; it was not until 2017 that Colorado established a statewide board. Eight states (Arkansas, Idaho, Illinois, Louisiana, Mississippi, Rhode Island, Wisconsin, Wyoming) do not have fatality review systems in place,

although Illinois passed legislation in 2020 authorizing a Domestic Violence Fatality Review Commission and specifically allowing for a regional domestic violence fatality review team to be established within each judicial district throughout the state.[29] The Commission has been formed but the local teams are not in place.

## DANGER/LETHALITY ASSESSMENTS

Development of danger assessment tools began in the mid-1980s and focused specifically on the risk of lethal violence, rather than an attempt to predict when interpersonal violence at all was likely.[30] These statistical tools weigh responses to twenty questions with the goal to reduce homicides (90% of women who are murdered are killed by men with whom they have or had a relationship, two-thirds to three-quarters of these women experienced prior violence in their relationships with these partners).[31] Detroit, Michigan has a specialized court called the Solution Oriented Domestic Violence Prevention Court, which sits in its Family/Domestic Relations Division,[32] and hears high-probability-of-fatality cases, which are flagged by a clerk who reviews all filings. Judges should be trained in the assessments as a framework for assessing facts presented in OP cases.[33]

<sup>28</sup> See e.g., <https://ndvfri.org/>

<sup>29</sup> See e.g., <https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=4205&ChapterID=59>

<sup>30</sup> Johnson, M. (2010). Balancing Liberty, Dignity and Safety: The Impact of Domestic Violence Lethality Screening. In *Cardozo Law Review* 32(519), accessed at [https://scholarworks.law.ubalt.edu/cgi/viewcontent.cgi?article=1337&context=all\\_fac&httpsredir=1&referer=](https://scholarworks.law.ubalt.edu/cgi/viewcontent.cgi?article=1337&context=all_fac&httpsredir=1&referer=)

<sup>31</sup> *Id.*

<sup>32</sup> Unless the cases are consolidated through the SODVPC, domestic violence and domestic relations cases are not heard in the same courtrooms in Wayne County. Domestic violence cases are heard in the criminal division and domestic relations cases fall under family matters.

<sup>33</sup> Use of the lethality assessment is validated when first responders and factfinders (judges) are appropriately trained in its use. See Williams, K & Grant, S. (2006). Generally, Empirically Examining the Risk of Intimate Partner Violence: The Revised Domestic Violence Screening Instrument (DVSII-R). For *Public Health Reports* 121. Accessible at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1525359/pdf/phr121000400.pdf>

# COOK COUNTY'S DOMESTIC VIOLENCE COURTHOUSE

**The design and efficacy of specialized domestic violence courts vary greatly across jurisdictions.**

The specialized DV Courthouse in Cook County – located at 555 West Harrison Street in Chicago – is unique in that the Circuit Court of Cook County situates all domestic violence cases into this specialized Domestic Violence Division instead of in the Domestic Relations Division and Criminal Division. Similarly unique is that Cook County's DV Court combines initial processes for all criminal and civil DV cases into this division.

## BEFORE 555 WEST HARRISON

There does not appear to be a single precipitating event nor motivation for the establishment of a Domestic Violence Courthouse in Cook County, as there is no comprehensive account of how 555 West Harrison was established. The courthouse, celebrated at its opening in the fall of 2005 as a state-of-the-art facility designed with the particular needs of petitioners in domestic violence cases in mind, appears to have been the result of a confluence of factors ranging from changes in the law to larger social forces to internal court politics.

## LOGISTICS, PRACTICAL CONCERNS & PHYSICAL CONDITIONS

Prior to the opening of the DV Court at 555 West Harrison in 2005, the criminal and civil domestic violence courts were at two separate locations in Chicago: 1340 South Michigan Avenue for criminal cases and 28 North Clark Street, two miles away, for civil court orders of protection.[34] Approximately 1,100 cases were heard every week at 1340 South Michigan around that time—the courthouse was Cook County's second busiest after traffic court and was "the busiest domestic violence courthouse in the nation." [35] Practitioners and others in the community had long complained about the physical conditions of the South Michigan Avenue courthouse: cramped corridors, small courtrooms, and unreliable and equally cramped elevators.[36] The fact that the criminal and civil functions were not integrated under one roof was a problem in and of itself.

People often came to one courthouse without necessarily knowing whether they wanted to pursue criminal charges or a civil Order of Protection. If they were at one courthouse but

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<sup>34</sup> Lipman, J. (2005). "On the Safe Side: Better, Safer Building for Victims of Domestic Violence Opens" in *Daily Southtown*: <http://www.suffredin.org/news/newsitem.asp?language=english&newsitemid=989> & "Contempt in Domestic Violence Court" in *Chicago Tribune* (1998): <https://www.chicagotribune.com/news/ct-xpm-1998-04-19-9804190191-story.html>

<sup>35</sup> "Contempt in Domestic Violence Court" in *Chicago Tribune* (1998): <https://www.chicagotribune.com/news/ct-xpm-1998-04-19-9804190191-story.html>

<sup>36</sup> According to one interview with a practitioner: "The nightmare stories of your victim and your offender being across the hallway from each other...everybody in the elevator, and then you get...trapped in an elevator with six other people, and two of them are screaming at each other." A judge discussed the small elevators and fights precipitated by proximity of victims and abusers: "what does that say to people that we don't think much of this issue and here's this crappy building for you to try to get justice and you're not safe in the building."

then had to make a trip to the other one, that was an additional difficulty and barrier for victims—an unsurprising reality in the context of a process that was emotionally fraught and required extensive logistical coordination (i.e., having to take time off from work, secure childcare, arrange transit between the two locations, etc.).<sup>[37]</sup> Critically, and as news reports over the coming years would highlight, the conditions in the domestic violence courtrooms and hallways – particularly 1340 South Michigan – were “cramped,” and the “inadequate physical layout [created] hostile and unsafe situations that impede the administration of justice.”<sup>[38]</sup> Because the courthouse was small and because there were no separate entrances for harmed and accused people, parties would routinely encounter each other—which was only exacerbated by the fact that all parties shared the same elevator.

As the Chicago Tribune noted in 1998, the system left people confused, disheartened, and vulnerable:

*On Monday mornings, after the revelry of the weekend leaves dozens of abused domestic violence courts were at two [people] in its wake, more than a hundred people may fill the lobby waiting to board one of two tiny elevators that move at a snail's pace. It's not uncommon for a case to be called on the fourth floor while the*

*parties are stuck downstairs. In the fourth-floor corridor there isn't enough space to separate victims from...whom they seek protection. Defendants have been known to sweet-talk their mates into dropping charges, even as they waited for their hearing to be called. The accused suffer as well. The three second-floor lockup cells, built to hold 15 people apiece, sometimes are packed with 50 to 60 men each. Sheriff's deputies escort defendants through the same back hallways used by judges and lawyers, creating security risks.<sup>[39]</sup>*

These features enabled offenders to accost their victims, pressure them to drop the case, and even physically abuse them. The tiny elevators, one advocate said, were the site of “some of the worst victim intimidation,” explaining: “the opportunity to continue to threaten that victim is just ripe.”<sup>[40]</sup> Both parties at 28 North Clark, which handled Orders of Protection, similarly had to share a single waiting room. The inadequacy of the physical facilities at 1340 South Michigan and 28 North Clark had been evident for some time. In 1996, Chief Judge Donald O’Connell had brought the problem to the attention of Cook County Board President John Stroger,<sup>[41]</sup> who, in turn, set up a commission of legal experts in 1997—

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<sup>37</sup> *Id.* at 35.

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> Lipman, J. (2005). “On the Safe Side: Better, Safer Building for Victims of Domestic Violence Opens” in *Daily Southtown*. Accessible at <http://www.suffredin.org/news/newsitem.asp?language=english&newsitemid=989>

<sup>41</sup> “No Word on Domestic Violence Court” in *Chicago Tribune* (1998): <https://www.chicagotribune.com/news/ct-xpm-1998-06-15-9806150002-story.html>



the Committee on Courts for the 21st Century—to conduct a comprehensive examination of the facility needs of all the county courts, including those for domestic violence. He also directed the Public Building Commission to augment an ongoing study of the traffic court to address the domestic violence courts as well.[42] The reports commissioned by Stroger were completed sometime in 1998 and appeared to recommend that Cook County find or build a new building that would house the traffic, misdemeanor, and domestic violence courts.[43] Ultimately, the County purchased and adapted a former warehouse on the Near South Side[44] and opened the new domestic violence courthouse at 555 West Harrison on October 11, 2005—nearly a decade later.

## LEGAL LANDSCAPE: RULE 528 AMENDMENT

As a general matter, the 1990s saw an increase in the domestic violence caseload in courts across the country for a number of reasons, including greater societal awareness of the problem and

a greater societal inclination to address it via the courts.[45] In 1997, the Cook County State’s Attorney’s Office (CCSAO) set up a new unit to prosecute domestic battery and violations of protection orders.[46] Also in 1997, the Illinois Supreme Court issued an amendment to a judicial rule, which appears to have led to an especially high increase in the caseload in Cook County (as well as in suburban counties) over a short period of time. This increase, in turn, exacerbated the already-cramped conditions of the existing courts where domestic violence cases in Cook County were then heard. In March 1997, the Supreme Court amended Rule 528, which sets out the bail schedule for “Ordinance Offenses, Petty Offenses, Business Offenses and Certain Misdemeanors,” including domestic violence offenses.[47] Before the amendment, an individual facing a charge of domestic battery or a violation of an Order of Protection generally only had to post a \$100 bond at a police department before being released, facilitating relatively quick release without a court appearance.[48]

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<sup>42</sup> Stroger, J. (1998). “Letter to the Editor - Improving Courts” in *Chicago Tribune*: <https://www.chicagotribune.com/news/ct-xpm-1998-06-24-9806240359-story.html>

<sup>43</sup> Although we were unable to find copies of the reports themselves, more information can be found in “Get Started on a New Courthouse” (1998) in *Chicago Tribune*: <https://www.chicagotribune.com/news/ct-xpm-1998-05-01-9805010103-story.html>

<sup>44</sup> Ciokajlo, M. & Washburn, G. (2002). “Death Knell for Court’s New Site” in *Chicago Tribune*: <https://www.chicagotribune.com/news/ct-xpm-2002-06-21-0206210075-story.html>; Corfman, T. (2002). “CTA Narrows Search for New HQ Site” in *Chicago Tribune*: <https://www.chicagotribune.com/news/ct-xpm-2002-09-28-0209280192-story.html>; Zorn, E. (2002). “Daley’s Timing Beyond Odd on Violence Court” for *Chicago Tribune*: <https://www.chicagotribune.com/news/ct-xpm-2002-07-02-0207020206-story.html>

<sup>45</sup> Keilitz, S. (2004). “Specialization of Domestic Violence Case Management in the Courts: A National Survey,” p. III-9-3, in *Violence Against Women and Family Violence: Developments in Research, Practice, and Policy* (Ed. Fisher, B.). Accessible at <https://www.ojp.gov/pdffiles1/nij/199724.pdf>

<sup>46</sup> *Id* at 35.

<sup>47</sup> See Ill. Sup. Ct. R. 528. at <https://ilcourtsaudio.blob.core.windows.net/antilles-resources/resources/283601b1-d40f-4def-885c-68138630f99c/Rule%20528.pdf>

<sup>48</sup> Madler, M. (1997). “Bond Rule Toughened by Court” in *Chicago Tribune*: <https://www.chicagotribune.com/news/ct-xpm-1997-04-17-9704170219-story,amp.html>

Following the amendment, a judge was required to set bail for the respondent instead. The Supreme Court decided that “domestic-violence cases [were] more complex than other misdemeanors,” and “serious enough to require a judge to determine on what grounds an accused person in custody should be released.”<sup>[49]</sup>

The rule change, which went into effect on April 15, 1997, was hailed by some domestic violence advocates but also imposed new, unexpected demands on the court system, further marginalizing survivors from Black and brown communities. Because the rule required respondents be held in jail prior to hearing, jail populations increased and hearing times slowed, feeding criticisms from many advocates. Almost immediately after the rule change went into effect, the domestic violence caseload became a “flood.” One article from the time notes that “[t]he day before the change went into effect, 48 individuals in Cook County had bond hearings on charges related to domestic violence,” while a “week later, the number had leaped to 164.” The Chief Judge of the Circuit Court of Cook County at the time, Donald O’Connell, stated that the “volume was so heavy it was interfering with the movement of people through the courtroom.”<sup>[50]</sup>

The rule change appears to have had a profound effect on the functioning of the 1340 South Michigan Avenue courthouse, where criminal Orders of Protection were heard. In particular, exacerbating how cramped and inadequate the facility. The courthouse’s three lockups were designed to accommodate fifteen people each; once Rule 528 was amended, there were routinely sixty-to-seventy people in each lockup waiting to receive a hearing before a judge. At times, more than a hundred people could be seen in the lobby waiting for one of two small elevators that only held eight passengers or in a corridor that had only sixteen seats.<sup>[51]</sup> The hallways themselves were only seven feet wide on some floors.<sup>[52]</sup> The Rule 528 Amendment made the situation at 1340 South Michigan untenable and gave greater weight to existing complaints about the cramped, tense, and unsafe conditions in the domestic violence courts.<sup>[53]</sup>

## ESTABLISHMENT & ADMINISTRATION OF THE DIVISION

In the early 2000s, intervention, prevention and coordinated services were coming to the

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<sup>49</sup> *Id* at 47.

<sup>50</sup> Newbart, D. (1997). “Domestic-Violence Cases Clog Bond Courts, Jails” in *Chicago Tribune* at <https://www.chicagotribune.com/news/ct-xpm-1997-12-13-9712130084-story.html>

<sup>51</sup> *Id* at 35.

<sup>52</sup> Ciokajlo, M. (2002). “Way Too Close for Comfort” in *Chicago Tribune*: <https://www.chicagotribune.com/news/ct-xpm-2002-07-05-0207050130-story.html>

<sup>53</sup> Myers, B. (2005). “Domestic Violence Court Now Under One Roof” available at <http://www.suffredin.org/news/newsitem.asp?language=english&newsitemid=975> & Lipman, J. (2005). “On the Safe Side: Better, Safer Building for Victims of Domestic Violence Opens” in *Daily Southtown*: <http://www.suffredin.org/news/newsitem.asp?language=english&newsitemid=989>

forefront of domestic violence research and advocacy. Although the dedicated Domestic Violence Courthouse opened in 2005, the Domestic Violence Division itself was not established until January 2010. Chief Judge Timothy Evans convened a Domestic Violence Court Committee in 2008, which—among other things—called for the establishment of the Division to centralize administration and oversight of DV proceedings.[54]

**With the founding of the Division, the Office of the Chief Judge (OCJ) hired and assigned specialized staff, created safety protocols, implemented specialized training, and created new procedures, specialized calls, and courtroom services.**

Judge Grace Dickler (currently Presiding Judge in the Domestic Relations Division) served as the first Presiding Judge in the new Domestic Violence Division until 2011, when Judge Sebastian Patti took on the role. Judge Raúl Vega led the Division from 2018 until 2022, when he retired and Judge Judith Rice was appointed Acting Presiding Judge. Following the formal creation of the Domestic Violence Division as a unified administrative structure for the civil, criminal, emergency, and plenary proceedings at 555 West Harrison, the Chief Judge set up the Circuit Court of Cook County Domestic Violence

Court Committee, which released its findings[55] on April 6, 2012, that was charged with “ensur[ing] that the Circuit Court of Cook County remains on the cutting edge in providing a safe and secure environment for the hearing of domestic violence matters.”[56] Initial courthouse operations reflected this understanding, but establishing a DV Division was also intended to coordinate the court services with other services for persons experiencing intimate partner violence.

The 2012 Committee believed the court had met its goals for establishing safety measures, implementing specialized training, and improving resource and information sharing about court processes. This review looked at felony filings, legal aid and other *pro se* assistance, post-conviction, and rehabilitative services, and generally, was satisfied with the Division's initial progress in case management. The Committee recognized that groups external to the court were better positioned and better equipped to handle public education and outreach regarding domestic violence and felt the initial recommendation for the Court to assume this responsibility was flawed. This review felt that 24-hour access was unnecessary, noted that funding had not been available for a “Respondent Resource Coordinator,” and stated that services for respondents was a largely unmet need.

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<sup>54</sup> See e.g., [https://www.cookcountycourt.org/MEDIA/View-Press-Release/articleid/471?dnnprintmode=true&mid=889&SkinSrc=\[G\]Skins%2F\\_default%2FNo+Skin&ContainerSrc=\[G\]Containers%2F\\_default%2FNo+Container](https://www.cookcountycourt.org/MEDIA/View-Press-Release/articleid/471?dnnprintmode=true&mid=889&SkinSrc=[G]Skins%2F_default%2FNo+Skin&ContainerSrc=[G]Containers%2F_default%2FNo+Container)

<sup>55</sup> The Circuit Court of Cook County Domestic Violence Court Committee’s “Report on Final Recommendations” (April 6, 2012) can be found at [https://www.chicagoappleseed.org/wp-content/uploads/2022/08/2012-Domestic-Violence-Committee-Report-on-Final-Recommendations-2012\\_0001.pdf](https://www.chicagoappleseed.org/wp-content/uploads/2022/08/2012-Domestic-Violence-Committee-Report-on-Final-Recommendations-2012_0001.pdf)

<sup>56</sup> See e.g., [https://www.cookcountycourt.org/MEDIA/View-Press-Release/articleid/487?dnnprintmode=true&mid=889&SkinSrc=\[G\]Skins%2F\\_default%2FNo+Skin&ContainerSrc=\[G\]Containers%2F\\_default%2FNo+Container](https://www.cookcountycourt.org/MEDIA/View-Press-Release/articleid/487?dnnprintmode=true&mid=889&SkinSrc=[G]Skins%2F_default%2FNo+Skin&ContainerSrc=[G]Containers%2F_default%2FNo+Container)

## CONTEMPORARY OPERATIONS

Then and now, generally, the community is satisfied with housing civil and criminal domestic violence matters within a single Division, separate from the Domestic Relations Division. Although it's atypical, the structure mostly meets the needs of the practitioners and advocates we interviewed (*with some caveats, which are addressed in the below Recommendations section*).

## ORGANIZATION & FUNCTIONS

As explained, the Circuit Court of Cook County maintains a central Domestic Violence Division in a dedicated courthouse. Cook County is unusual in having a Domestic Violence Division as a stand-alone Division in its court of general jurisdiction. Even other counties in Illinois tend to sit civil domestic violence matters within the Domestic Relations Division and criminal domestic violence matters within the Criminal Division, rather than in a Domestic Violence Division with its own courthouse, procedures, standing rules, and Presiding Judge. Illinois' 17th Judicial District<sup>[57]</sup> in Winnebago County operates a grant-funded Domestic Violence Coordinated Court (DVCC), for all levels and types of intimate-partner related criminal and civil cases.<sup>[58]</sup>

The Cook County DV Division was formally organized in 2010, bringing proceedings for civil and criminal Orders of Protection into one building. However, the branch courts have continued to hear motions for Emergency Orders of Protection (EOP) on an assigned call. Keeping these calls available in the branch courts serves a vital need; however, difficulties arise when judges hearing cases under the IDVA in the branch courts are operating under procedures established by their Presiding Judges, which differ from those established at 555 West Harrison.

The courthouse at 555 West Harrison has four misdemeanor courts; a misdemeanor bond court and a felony preliminary hearing court room; and three to five civil court rooms for Order of Protection cases. Most Emergency Orders of Protections, whether civil or criminal, proceed through the DV Division at 555 West Harrison, although they may be heard in Division courtrooms in the branch courts, or in conjunction with cases between the parties in the Domestic Relations Division. Cook County uses a form of the "specialized judge" model in its Domestic Violence Division. There are presently 10 judges assigned to the Division at 555 West Harrison, and 3 assigned to the Division in the branch courthouses, with Judge Judith Rice, who was previously assigned to Domestic Relations, taking over as acting Presiding Judge of the DV Division on December 23, 2021.<sup>[59]</sup>

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<sup>57</sup> Illinois' Winnebago County recently founded a coordinated Domestic Violence Division under a 2014 grant, but it is unclear if this is located in a single courthouse, such as Cook County. Our researchers did not find another county with a coordinated Division; Peoria County has a DV call, but we were unable to determine whether it was civil as well as criminal.

<sup>58</sup> See e.g., <http://illinois17th.com/public-info/domestic-violence-coordinated-courts>

<sup>59</sup> See e.g., <https://www.cookcountycourt.org/MEDIA/View-Press-Release/ArticleId/2909/The-Hon-Judith-C-Rice-named-acting-presiding-judge-of-Domestic-Violence-Division>

Under the Illinois Domestic Violence Act, judges sitting in the DV Division have authority to include child support, child residence, and visitation in a civil Order of Protection,[60] but the court may decline to address these issues unless a decision on one or more of those contested issues is necessary to avoid the risk of abuse, neglect, removal from the state, concealment within the state of the child, or of separation of the child from the primary caretaker.[61] Functionally, however, there is neither a standard analysis performed by the court to meet this standard nor a uniform process for transferring child-related issues raised in an EOP to a court for further hearing and resolution. This procedural deficiency leaves petitioners and children vulnerable and potentially deprived of support. Petitioners can be left alienated by a process insufficient to meet all their needs quickly and efficiently, confused by next steps and burdened by additional trips to a different Division for resolution of support and parenting concerns.

In addition to judges and their staff, the CCSAO, CPD, the CCSO, the Law Office of the Public Defender, and the outside legal aid and social service agencies, the Clerk of the Circuit Court also has staff assigned to the DV Division, which operate out of 555 West Harrison. There is a Children's Advocacy Room in the courthouse (one of 10 such centers across the Cook County Court system) which provides a safe place for children to stay while their parents or caretakers are in court. Interpreter Services

are available at the courthouse, but there is not a dedicated Interpreter Services Office at the DV Court. However, Spanish, and Polish interpreters are always available for court proceedings; interpreters for other languages, including American Sign Language, must be arranged. Interpreter services are not available for assistance filing in forms.

## WRAPAROUND SERVICES

Today, there are a limited number of wraparound services available at the Cook County DV Courthouse. Importantly, the State's Attorney, Public Defender, the Chicago Police Department, and the Cook County Sheriff's Office, as well as the Probation Department, have offices in the building. Social services agencies providing legal services and advocacy for survivors and children also operate in the courthouse. The courthouse at 555 West Harrison has "victim-only elevators, secured victim waiting rooms for each courtroom, a safe and supportive environment in which to complete court documents, a screening area for litigants to speak to the Assistant State's Attorneys [and victims' advocates] in private," and "a secure childcare area." [62]

When the Courthouse opened, dedicated space was allocated to house legal aid services. Ascend Justice (formerly the Domestic Violence Legal Clinic) currently offers

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<sup>60</sup> See the Illinois Domestic Violence Act (750 ILCS 60/214 (12)) at <https://www.ilga.gov/legislation/ilcs/ilcs5.asp?ActID=2100&ChapterID=59>

<sup>61</sup> See the Illinois Domestic Violence Act (750 ILCS 60/212) at <https://www.ilga.gov/legislation/ilcs/ilcs5.asp?ActID=2100&ChapterID=59>

<sup>62</sup> See *e.g.*, <https://www.cookcountycourt.org/ABOUT-THE-COURT/County-Department/Domestic-Violence/Domestic-Violence-Courthouse>

EOP services from an office at the courthouse. Attorneys, non-attorney advocates, and volunteers with various local agencies offer services at the courthouse through walk-in intakes, the Illinois Domestic Violence Hotline, and individual intake phone numbers. Social service agencies, such as Between Friends and Sarah's Inn, and legal aid organizations like Legal Aid Chicago also have advocates that operate in Cook County's branch courts.

## **Easy access to these outside social services is an important way to ensure that survivors and families dealing with domestic violence are addressing their issues holistically and have every means to keep themselves safe.**

Both the Cook County State's Attorney and the Law Office of the Public Defender have departments dedicated to domestic violence and located at 555 West Harrison. While the CCSAO and the Public Defender are not social services – and are part of the legal system itself – the easy access of these offices is important for the fair and effective administration of justice. When someone comes to the DV Court with a police report, they are directed to speak to an Assistant State's Attorney, who determines whether

the issue is a criminal case or if the petitioner should pursue a civil Order of Protection. Legal advice as to which course of action would better serve the victim's needs is not offered by the CCSAO. When a harmed person appears at a bond or warrant hearing, the State's Attorney should offer them an EOP for the duration of the criminal case.[63]

Most Emergency Orders of Protection (both criminal and civil) are *ex parte* and the Public Defender's role is typically with the underlying charges, rather than the Order of Protection. In rare cases, the Public Defender can get permission to represent a defendant with a civil Order of Protection that is proceeding parallel to a criminal case but not as part of a criminal case. If a guilty finding occurs, a plenary Order of Protection is offered as a matter of course; if not, the victim can still pursue a civil Order of Protection for the same incident.

The Children's Advocacy Room is another necessary part of the infrastructure—not only in DV Court, but in Cook County courthouses generally. There are ten rooms throughout the court buildings that are managed by a single director who ensures consistency in policies and procedures in the rooms, which are staffed with a coordinator and Children's Advocacy workers. The Children's Advocacy Room at 555 West Harrison is well-run by trained and compassionate staff with backgrounds in child development and learning; staff undergo forty hours of training to work with people experiencing domestic violence upon hiring and complete additional child services training throughout the year.

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<sup>63</sup> For most of the pandemic, Orders of Protection cases were not proceeding criminally.

## JURISDICTIONAL MODELS

Although the Division connects self-represented litigants with legal aid onsite and with some self-help resources, the Division appears to lag behind other jurisdictions (see Appendix 3) in court-based services for people without attorneys, because it includes little court-provided support of self-represented litigants. Evidence generally acknowledges an increase in self-represented litigants in courts, and the desire of most court administrators to preserve the rights of these parents while also maintaining judicial efficiency is apparent.[64] States employ a variety of court structures for handling domestic relations, child support, and parentage issues in their jurisdictions.[65] Unsurprisingly, innovations in family courts, or courts with specialized jurisdiction to handle child support and child custody matters, are attuned to these local court structures; Cook County faces the same struggle in the Domestic Violence Division, even with a number of local agencies available to provide court services for petitioners seeking protections of the court.

Even in other areas where domestic violence cases sit within the general Domestic Relations Division, jurisdictions are split on whether they employ a “one judge, one family” (integrated) or

a “specialized judge” (coordinated) model. The former assigns all matters concerning the social unit (domestic violence, child support, parenting time, divorce) to a single judge who remains with the family through all subsequent filings, where the latter tracks cases to judges who routinely deal in that subject matter, preferably with ongoing training and specialized resources at their disposal to resolve cases. The integrated model puts civil and criminal matters in the same court where the specialized judge model does not. Cook County uses a “specialized judge” model; however, unlike other jurisdictions using that model, Cook County sits criminal and civil matters in the same Division, if not before the same judge.

While the Center for Court Innovation[66] helped develop the “one judge, one family” model, it emphasizes that the complex intersection of legal issues, emotional needs, and support services implicated in the cases places emphasis on “ensuring informed judicial decision-making, consistent handling of protective orders, and individualized responses,” and notes that specialized courts of either type can meet these needs by increasing collaboration among court/criminal justice agencies, including legal aid and community-based social services.[67]

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<sup>64</sup> Chase, D. (2003). Pro Se Justice and Unified Family Courts. In *Family Law Quarterly* 47(3). Accessible at <https://www.jstor.org/stable/25740431>

<sup>65</sup> In 2008, 38 states had “statewide family courts, family courts in selected areas of the state, or pilot or planned family courts, representing seventy-five percent of states.” See Babb, B. (2008). Reevaluating Where We Stand: A Comprehensive Survey of America’s Family Justice Systems. *Family Court Review* 46(2). Accessible at [https://scholarworks.law.ubalt.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1077&context=all\\_fac](https://scholarworks.law.ubalt.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1077&context=all_fac). Our research shows that since publication of Babb’s review, 42 states now have a separate family court in at least some part of the state. Alaska, Iowa, Mississippi, Montana, South Dakota, and Utah hear domestic relations cases in courts of general jurisdiction without a designated court or division, where Idaho and Nebraska hear such cases in both a trial court of general jurisdiction and a court of limited jurisdiction.

<sup>66</sup> See e.g., <https://www.courtinnovation.org/programs/domestic-violence-court/more-info>

<sup>67</sup> *Id.*

A presumed benefit of the “one judge, one family” model is long-term experience with one family's dynamics.[68]

Research shows that while jurisdictions across the U.S. provide specialized training for their DV judges and court personnel (including police), the need for and concerns about sufficient training are widespread. This was also a theme in our interviews about Cook County. An attorney with a social work background discussed a “fear and apprehension” from judges at 555 West Harrison when called upon to put in place an order that would impact children when they “don't know the full story.” The attorney felt DV Division judges were “ill-equipped” to handle full-family issues in the context of an Order of Protection - in part because the judges “do not have the full picture,” but also because they do not have resources such as child representatives and guardians ad litem.

While the intensive experience of specialized judges contributes to improved outcomes, improved outcomes also flow from ongoing training and information-sharing among court personnel, victim advocates, and resource coordinators.[69] One advocate we spoke to repeatedly pointed to the “hierarchy of violence and distress,” which leads judges to focus on physical rather than sexual violence in their petitions, particularly in the context of

divorce or an intact relationship. This advocate felt strongly that education surrounding the dynamics and reality of sexual violence in the context of domestic relationships was lacking across both the Domestic Violence and Domestic Relations Division.

Although many pro bono and legal assistance programs focus on the litigation needs of *pro se* parties, there is evidence that assistance - which is limited to case management, coordination of services, and consolidation of issues - would ease the burden of *pro se* litigation on the court system. Case management is essentially an administrative role, which could be handled by paraprofessionals, easing the burden on judges and their staff, as well as on existing legal services and attorneys in cases where the opposing party is unrepresented. More discussion of litigant service models can be found below in the *Recommendations* section, but the Domestic Violence Division does employ several significant innovations in family litigation designed to assist litigants without attorneys and to ease burdens on courts when dealing with high volumes of self-represented litigants. For instance, the DV Division has a Child Relief Expediter who aids in child custody and visitation disputes through an alternate dispute resolution process to create agreed parenting plans. The courthouse does not have a “safe exchange” site; there are only three safe

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<sup>68</sup> In California, which sits domestic violence matters within domestic relations, case management and family involvement includes a “long-cause” court. Domestic Relations Divisions in their courts will have one or more “long-cause” family law courtrooms, which only handle a single hearing or trial daily until that matter is resolved. Courts administration believes that this approach allows for “continuity and efficiency in dealing with the most-contested cases...and free[s] up other courtrooms to handle less complex cases.” “Long cause” is defined generally at the state level; in family matters specifically, it is “a hearing on a request for order that extends more than a single court day.” Local rules add nuance to these definitions: for instance, Santa Clara county defines “long cause” as “any [family court] hearing other than a trial that will take longer than 30 minutes.” See *e.g.*, [https://www.courts.ca.gov/cms/rules/index.cfm?title=five&linkid=rule5\\_393](https://www.courts.ca.gov/cms/rules/index.cfm?title=five&linkid=rule5_393) & [https://www.law.cornell.edu/wex/long\\_cause](https://www.law.cornell.edu/wex/long_cause)

<sup>69</sup> *Id* at 17.



exchange centers in the City of Chicago where parents can have supervised time with their children or can safely transfer custody.[70]

There are already barriers to justice inherent in the system. Changes should work to alleviate and not add to these. Litigants without attorneys, particularly poor litigants who work in jobs without paid time off, face financial penalties such as lost work, but also costs of travel.

## LITIGANT AUTONOMY & SAFETY

The courthouse at 555 West Harrison was established in the hope of providing a safe and secure environment for the hearing of domestic violence matters and was renovated with these concerns in mind. As discussed above, there are separate elevators for men and women (persons are self-screened by gender at the entrance to the courthouse) in an attempt to ensure respondents and petitioners are kept isolated from each other. Likewise, an attempt is made to keep respondents and petitioners separated at the entrance to the courthouse and at the intake desk immediately inside the lobby, where petitioners are given secure waiting areas while they fill out paperwork and for each courtroom. Security cameras and emergency call buttons are deployed throughout the courthouse and “safe exit” plans—as well as other security measures and procedures—are routinely reviewed by court and Sheriff’s Office staff. When litigants have the assistance they need to understand their cases and comply with

rulings, they have a higher respect for the courts and case outcomes are improved.

**However, the courthouse works on the assumption that parties conform to a heteronormative standard for relationships with a general belief that men are abusers and women are victims.**

Safety features tend to function by separating people along gender lines, where litigants queue for entrance based on gender, and, as one practitioner pointed out:

*For someone who perhaps is non-binary... you have to pick a line, you’re either [in the] male or female line...or if you are in a same sex relationship and you are coming back to your next court date, you’re in the same line as your abuser.*

Another issue that acts as a barrier to justice in the DV Court are the hours in which someone can secure an EOP. In late 2021, as the Division faced increased public scrutiny—both for pandemic-related upheaval and for the management of then-Presiding Judge Raúl Vega—the issue of 24-hour access came to the forefront.[71] In October 2021, in response to concerns from the Cook County Board of Commissioners that petitioners did not have 24-hour access to the court for Emergency Orders of Protection and in the face of rising public criticism of the Presiding Judge, the Office of the Chief Judge reestablished the Committee

<sup>70</sup> See e.g.,

[https://www.chicago.gov/city/en/depts/fss/supp\\_info/safe\\_havens\\_supervisedvisitsafeexchangegrantprogram.html](https://www.chicago.gov/city/en/depts/fss/supp_info/safe_havens_supervisedvisitsafeexchangegrantprogram.html)

<sup>71</sup> Garcia, K. (2022). “Cook County Judge Raúl Vega is retiring Under a Cloud of Allegations” for *Chicago Reader*: <https://www.injusticewatch.org/news/judicial-conduct/2022/raul-vega-domestic-violence-court/>; Asiegbu, G. & Garcia, K. (2021). “Chicago Advocates Press Chief Judge on Domestic Violence Court Access, Treatment of Survivors” in *Injustice Watch*: <https://www.injusticewatch.org/news/courts/2021/domestic-violence-advocates-cook-county-court-access/>; Nitkin, A. (2021). “Commissioners Press Court Offices on Domestic Violence Supports: We Have to Fix This” for *The Daily Line*: <https://www.thedailyline.com/commissioners-press-court-offices-on-domestic-violence-support-we-have-to-fix-this>

on Domestic Violence Court.[72] The reconvened Committee[73] was again led by Presiding Judge Grace Dickler and charged with reviewing “practices and procedures governing the hearing of domestic violence matters throughout the court, and...the organization and efficiency of Domestic Violence Division operations at all courthouses where domestic violence matters are heard.” On April 11, 2022, the Committee on Domestic Violence Court[74] released its final recommendations, organized under four broad categories: (1) Court Organization; (2) Staffing; (3) Communication; and (4) Technology.[75]

The Committee described the Division as “overwhelmed” and “unable to conform to the legislative strictures of the Illinois Domestic Violence Act” regarding expedited proceedings for any action for an Order of Protection. To reduce the burden on the Division and expedite all proceedings, the Committee recommended adding two additional civil courtrooms (with additional staff); establishing an entirely remote call (the Stroger Hospital Access Pilot); and establishing a 24/7 process for Emergency Orders of Protection and Civil No Contact Orders, and extended court hours two days a week for all matters. The Committee further recommended transferring

Stalking No Contact Orders, which do not involve intimate partner or other domestic violence, to First Municipal District and establishing a Mental Health Diversion Call. Significantly, the Committee recommended the court provide adequate technology at 555 West Harrison and that the Domestic Relations Division establish appropriate procedures so the Domestic Violence Division may no longer need to hear cases involving parties with existing domestic relations cases, except in situations where the Domestic Relations Division judge assigned to the divorce case is not available. Many advocates and judges were concerned that Orders of Protection for people with pending divorce or parenting actions be handled holistically—this was a particular concern for service agencies that focus on ensuring immigration or housing and financial security for survivors as part of the journey toward an Order of Protection. The Committee recommendations addressed staffing issues to improve immediate access to Emergency Orders of Protection and offered an implementation strategy for 24/7 court access for EOPs. Likewise, they touched on necessary changes to public-facing information sources to reduce confusion and improve access to services.

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<sup>72</sup> As of the date of this report, the Office of the Chief Judge of the Circuit Court of Cook County is working to implement 24-hour court in the coming months, and we discuss our findings with regard to expanded hours in the Recommendations section below.

<sup>73</sup> Chicago Appleseed Center for Fair Courts was invited to serve as a member of the Committee and our representative sat on three subcommittees: Communication, Litigant Services, and Fitness Diversion. See e.g., <https://www.chicagoappleseed.org/2021/10/14/office-of-the-chief-judge-forms-new-committee-to-examine-the-domestic-violence-division/>

<sup>74</sup> The Committee was comprised of DV, DR and Child Protection Division judges; members of the Cook County Board of Commissioners, Office of the Chief Judge, Office of the Clerk of the Court, Office of Interpreter Services, the Cook County Sheriff, Office of Probation, Office of the Public Defender, Office of the State’s Attorney; advocates and attorneys from legal aid and public interest law institutions; and private attorneys practicing in the DV and DR courts. More information here: <https://www.cookcountycourt.org/MEDIA/View-Press-Release/ArticleId/2939/Domestic-Violence-Committee-makes-recommendations-for-expanded-service-for-domestic-violence-victims-Chief-Judge-Evans-announces>

<sup>75</sup> Starting in September 2021, Chicago Appleseed Center for Fair Courts’ staff participated in the Circuit Court of Cook County Committee on Domestic Violence Court, facilitated by the Office of the Chief Judge (OCJ), to improve operations and access to the Domestic Violence Courthouse. The final report out of this committee (released in April 2022) can be found here: <https://www.chicagoappleseed.org/wp-content/uploads/2022/04/Committee-on-Domestic-Violence-Court-Final-Report.pdf>

# METHODOLOGY.

Given the documented problems and unevaluated changes in the Cook County's Domestic Violence Division, this report seeks to explore the efficacy of the consolidated Domestic Violence Courthouse at 555 West Harrison in Chicago. We explored the building and courtroom policies and operations to evaluate whether the DV Court's design meets expectations to improve outcomes for those dealing with domestic violence. This analysis includes qualitative data from perspectives of

attorneys, non-attorney advocates,[76] judges, and community organizations pertaining to their direct interactions with and experiences in the DV Court. Furthermore, this report utilizes court-watching data in Domestic Violence Division courtrooms in the First Municipal and branch courts. In the following sections, we highlight issues of judicial management, short- and long-term effects on survivors of violence, gender-based violence prevention services in Cook County, and more.

## DATA

**This research utilizes primary and secondary data to inform a holistic picture of 555 West Harrison and the Domestic Violence Division as a whole.**

### DATA COLLECTION

We examine the perspectives of attorneys, court employees, non-attorney advocates, support organizations, and community members. Primary data includes 34 semi-structured interviews with attorneys, judges, non-attorney advocates, and community members who work with those impacted by domestic violence and domestic relations issues to varying degrees. Interview questions were developed after a careful consideration of the existing academic literature on gender-based violence, domestic violence courthouses, and the county's

information on the Domestic Violence and Domestic Relations Divisions. Representatives from the organizations interviewed account for the few organizations in the area that interact directly with people experiencing domestic violence, gender-based violence, and domestic relations issues. To compile the initial list, we first relied on institutional knowledge of Chicago Appleseed Center for Fair Courts and the Chicago Council of Lawyers institutional knowledge of the significant community organizations in the area. To ensure we captured all of the relevant community partners, we utilized snowball sampling – a process through which we asked each participant who else they would consider knowledgeable or able to speak to the the operations of the Domestic Violence and Domestic Relations Divisions. We then contacted every organization referred to us.[77]

<sup>76</sup> In this context, the difference between “attorney” and “non-attorney advocate” indicates a professional distinction. Both are professional roles, distinguished from other service providers and other support structures, but appear in court with different purviews. The Illinois Domestic Violence Act allows certified advocates from social service agencies to assist survivors in legal processes; these non-attorney advocates have a very different and more expansive role from attorneys but appear in court in a capacity that a case manager or social worker, for example, would not. Petitioners’ access to non-attorney advocates is typically based on resource availability.

<sup>77</sup> Small, L.M. (2009). ‘How Many Cases Do I Need?’ On Science and the Logic of Case Selection in Field-Based Research. *Ethnography*, 10(1), 5-38. DOI: 10.1177/1466138108099586

We interviewed these connections until we reached data saturation and were no longer being referred to new organizations.[78] In total, we contacted 44 organizations: 2 organizations declined because they felt their representatives were not able to speak about the courthouse or were at capacity and 21 organizations did not respond after repeated contact attempts. In total, we interviewed 33 individuals from 21 county offices and community organizations who had interacted with the Domestic Violence and/or Domestic Relations Divisions in some way and had enough experience to speak about gender-based violence and the Domestic Violence Courthouse in detail. The interviews were intentionally semi-structured[79] in nature to allow for a comparison between interviews, yet flexible enough to allow for new ideas and themes to emerge based on the individuals' unique experiences.

**Additionally, we generated some insights in this report through court-watching 188 domestic violence cases in the Circuit Court of Cook County between February 7 and March 30, 2022.**

Data from these cases was collected by 21 Chicago Appleseed Center for Fair Courts

trained volunteers in six different courtrooms, which were flagged by advocates as either exemplary or problematic for the culture and environment of the courtroom.

All observations referenced in this report were collected by volunteers who completed a one-hour training[80] with Chicago Appleseed Center for Fair Courts staff. Court-watchers observed civil and criminal courtrooms in the Domestic Violence Division and Domestic Relations Division of the Circuit Court of Cook County virtually through Zoom in order to better capture narratives and dynamics not reflected in official accounts, qualitative interviews, and data.

Using a standardized survey form, volunteer court-watchers collected data on judicial behavior, temperament, communication, and court administration, as well as some information regarding case outcomes and general court functioning. After attending a court call, court-watchers filled out an online survey based on their observations. Our court-watching data captures information about the interactions between all litigants and judges that may have informed legal decisions relevant to domestic violence cases, such as the administration of Orders of Protection.

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<sup>78</sup> O'Reilly, M. and Parker, N. (2012). "Unsatisfactory Saturation": A Critical Exploration of the Notion of Saturated Sample Sizes in Qualitative Research. *Qualitative Research* 13, 190-197. Accessible at <https://doi.org/10.1177/1468794112446106> & Green, J., & Thorogood, N. (2004). *Qualitative Methods for Health Research* (2nd Ed., pp. 198-202). London: Sage Publications.

<sup>79</sup> Galletta, A. (2013). *Mastering the Semi-Structured Interview and Beyond: From Research Design to Analysis and Publication*. NYU Press. Accessible at <https://doi.org/10.18574/nyu/9780814732939.001.0001> & Deterding, N. & Waters, M. (2018). Flexible Coding of In-depth Interviews: A Twenty-first-century Approach. *Sociological Methods & Research* 50(2):708-739. DOI: 10.1177/0049124118799377. Accessible at <https://journals.sagepub.com/doi/abs/10.1177/0049124118799377?journalCode=smra>

<sup>80</sup> See Appendix 4 for a summary of the Chicago Appleseed Center for Fair Courts' Domestic Violence Court observation protocol for court-watchers.

## DATA ANALYSIS

We conducted two rounds of coding using the flexible coding method, a method of analysis well-suited to a study in which we entered with questions informed by the existing literature and our prior knowledge about domestic violence and Cook County's court system at-large. Our first round of coding established a series of index codes, drawing on the interview protocol to divide the interviews into easily manageable sections and allow for a first reading of the transcripts. The purpose of index coding is to use broad codes that establish an "anchor" to the interview protocol, and to provide an opportunity to explore initial themes and findings. During this phase, researchers did not code transcripts of interviews which they themselves had conducted or been part of, allowing for a fresh perspective on each set of responses. We then collectively generated a series of analytic codes, identifying emergent

findings and themes well-suited for further analysis. The purpose of this phase was to identify specific themes or concepts that offered responses to the stated research questions. Within each index code, we reviewed interviewee responses through the specific lens of the research question, then re-categorized these notes into a series of analytic codes (for instance, "judges' roles and responsibilities" to describe how judges ensured survivors received a copy of their Order of Protection). Throughout the interview process, we maintained observational and impressionistic notes to contribute to an audit trail and returned to these documents during the analytic phase to assess the validity of our codes. Through this second round of coding and discussion of these themes, we identified the findings that follow. Survey data from court-watching was reviewed by staff and compiled for analysis to discern trends among survey entries.

## ETHICAL CONSIDERATIONS

**This research was carried out according to social science research principles, as guided by the Chicago Appleseed Center for Fair Courts research standards.[81]**

Across all research projects, our methodological approach is rooted in the protection of human subjects, mitigation of risk, and reduction of any forms of harm the study may cause participants during or following the research process. Consent was given by all community organizations and individuals to utilize interview data in the development for this report and the

option for anonymity was given to each participant. Due to the relatively small number of organizations working in or with the Domestic Violence Division in Cook County, we have anonymized all or most organizational names, individual participants' names, and identity markers such as gender.

All interviews were conducted virtually on a videoconference call or over the phone. This allowed for greater accessibility and flexibility in scheduling but may have limited our ability to communicate clearly or gather nonverbal cues. In order to mitigate this concern, multiple staff

<sup>81</sup> Chicago Appleseed Center for Fair Courts' "Guiding Standards for Ethical, Rigorous Research" (October 2021) can be found at [www.chicagoappleseed.org/wp-content/uploads/2021/10/2021-Research-Standards-Framework-2.pdf](http://www.chicagoappleseed.org/wp-content/uploads/2021/10/2021-Research-Standards-Framework-2.pdf)

members from Chicago Appleseed Center for Fair Courts and the Chicago Council of Lawyers attended these interviews and we asked follow-up questions where miscommunication could have occurred. We utilized Otter.ai to transcribe interviews and had multiple team members check the clarity and quality of each transcript.

Court-watching data is based on volunteers' individual and subjective perceptions. While we recognize that subjectivity may influence the data collected from court-watching, this information is relevant in that (a) it helps contextualize interview and quantitative

data and (b) these observations help approximate how outside observers (i.e., "the public") perceive court actors (i.e., prosecutors, judges, probation officers), as well as the kinds of requests and decisions they make. It is also important to note that because proceedings are still held over videoconference, court-watchers identify themselves as "Chicago Appleseed Volunteer," or "Member of the Public," so courtroom actors are aware they are being observed. We recognize that this may cause court actors to shift their behavior and decisions in our presence, and as such, is a limitation of this report.

## LIMITATIONS

Our analysis has been limited for a few reasons. Notably, we are unable to access quantitative data on the courts<sup>[82]</sup> and therefore cannot fully understand several things including socio-demographic information of litigants or length/outcome of cases in the aggregate. This substantially hinders our ability to really understand who the Domestic Violence Courthouse is serving and how effective they are at doing so.<sup>[83]</sup>

Additionally, we do not have accounts of litigant experience in the courthouse. Although this was a matter of being unable to obtain ethical access to those narratives and we have ensured that secondhand accounts through court-watching are interpreted as such, all of our understandings of bias and procedural hurdles are filtered through another party's accounts. We recommend routine surveying of litigants in

order to obtain and maintain a fuller picture of what the experience in the courthouse is actually like for litigants. Similarly, while we attempted to contact State's Attorney staff, Interpreter's Office staff, and the Clerk's Office's staff, we were unable to interview said individuals and thus include those perspectives in our report. Moreover, the majority of those interviewed identified as White women, with several Latine women and Asian-American/Middle Eastern women interviewed as well. Interview questions did not explicitly ask those interviewed about issues of race or gender bias, and such topics were implicit as a community concern which informed the development of this report.

The lack of data, some key stakeholder perspectives, racial demographics of interviewees, and explicit discussions of race, gender, and sexuality biases are key limitations of this report.

<sup>82</sup> See "Public (In)Access to Judicial Branch Data in Illinois" from Chicago Appleseed Center for Fair Courts and the Civic Federation (August 2021): <https://www.chicagoappleseed.org/2021/08/27/public-inaccess-to-judicial-branch-data-in-illinois/>

<sup>83</sup> See Appendix 5 for our recommendations for the collection and publication of quantitative data for the Domestic Violence Division.

# FINDINGS.

The following discussion of our findings are based primarily on the themes arising from the 34 interviews conducted with attorneys, non-attorney advocates, judges, and community organizations pertaining to their experiences in the DV Court at 555 West Harrison. As explained above, a major limitation of this report is our

inability to interview litigants who have direct insight into the court's functioning as either petitioners or respondents. That said, this section also includes anecdotal observational information provided by trained court-watchers who witnessed 188 cases in Cook County's Domestic Violence Division.

## FINDING 1

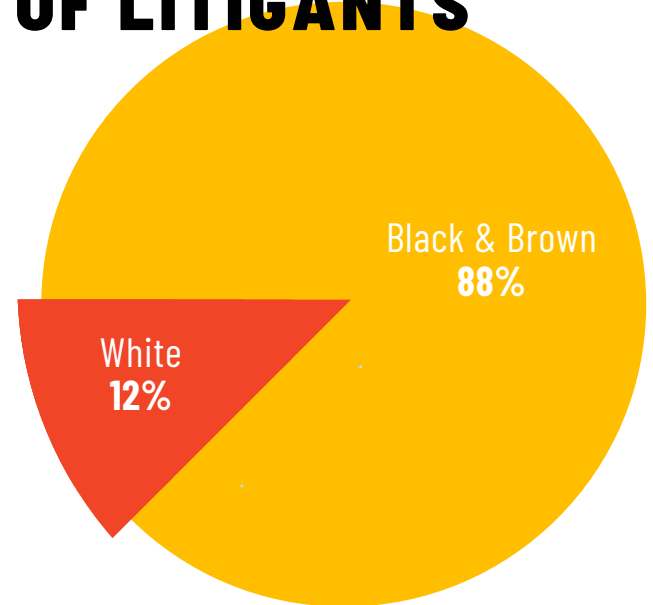
### SYSTEMIC RACISM IS EVIDENT IN THE STRUCTURES AND PROCEDURES OF THE DOMESTIC VIOLENCE COURTHOUSE.

Demographic information from the Cook County Circuit Court is notoriously difficult to obtain because the judiciary in Illinois is not subject to the Freedom of Information Act (FOIA).[84] For this reason, much of the evidence cited here is based on anecdotal information. While impossible to draw direct conclusions based on this data, these numbers show trends to help the public develop an understanding of courtroom culture and structure.

**The majority of people involved in the cases our court-watchers observed[85] were Black and people of color.**

Although we cannot definitely state that these observations are representative of the entire population going through the DV Court, our court-watchers observed cases involving 21 people who appeared to be White, and the

#### ASSUMED RACE DEMOGRAPHICS OF LITIGANTS



*Estimated based on court-watching observations.*

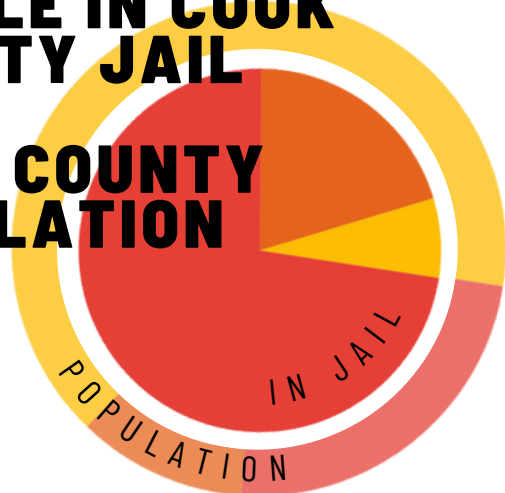
<sup>84</sup> *Id* at 82.

<sup>85</sup> Our race data is based on court watchers' individual and subjective perceptions, which is not free from bias. While we recognize that these biases may influence our data, we ultimately feel that court-watchers' demographic observations are relevant insofar as they likely reflect feelings of the 'general public' and approximate the kind of subjective perceptions that may impact court outcomes.

## CHICAGO ARRESTS VS. CHICAGO POPULATION



## PEOPLE IN COOK COUNTY JAIL VS. COOK COUNTY POPULATION



**White**  
**Black or "Black Hispanic"**  
**"White Hispanic" or Latine**

Data from City of Chicago, Cook County Sheriff, and U.S. Census Bureau.

majority of cases observed involved people who appeared to be Black and other people of color, making up 88% of all litigants.[86] The prevalence of Black people and people of color in Cook County's Domestic Violence Division suggests numerous, intersecting realities.

First, Black people and people of color are more likely to be arrested in Cook County and make up a disproportionate percentage of people involved in Cook County's criminal legal system. According to the Chicago Data Portal, the Chicago Police Department (CPD) made 72,947 arrests between July 1, 2020, and July 1, 2022;[87] of all people arrested during that time, 73% were Black or "Black Hispanic," 18% were "White Hispanic," and 8% were White. As of July 1, 2022, the Cook County Sheriff's Office reported that 72% of people incarcerated in Cook County Jail were Black, about 20% were Latine, and about 7% were White.[88] These statistics show great disparities for Black communities when compared to the overall population: the U.S. Census Bureau[89] estimates that 29.2% of people living in Chicago are Black and 47.7% are White; in Cook County as a whole, 23.7% are Black and 65.2% are White. Likewise, many Black and brown people in Chicago, specifically, live in under-resourced areas of the city, where people have limited access to community support services and mental health resources—despite the fact that in 2020, nearly 80% of the Illinois Domestic Violence Hotline callers were people of color.

<sup>86</sup> Court-watchers reported that they were unsure of about the races of many litigants they observed, but of the litigants that court-watchers did make assumptions about, they believed 88% were people of color, with at least 56% of those appearing Black or African American.

<sup>87</sup> The Chicago Data Portal can be found at <https://data.cityofchicago.org>

<sup>88</sup> The CCSO's Daily Report for July 1, 2022 can be found at [https://www.cookcountysheriff.org/wp-content/uploads/2022/07/CCSO\\_BIU\\_CommunicationsCCDOC\\_v1\\_2022\\_07\\_01.pdf](https://www.cookcountysheriff.org/wp-content/uploads/2022/07/CCSO_BIU_CommunicationsCCDOC_v1_2022_07_01.pdf)

<sup>89</sup> See United States Census Bureau "QuickFacts" for Chicago at <https://www.census.gov/quickfacts/chicagocityillinois> and for Cook County at <https://www.census.gov/quickfacts/fact/table/cookcountyillinois/PST045221>



## **The assumption of our court-watchers was that most judges were White.**

As such, it is possible that there were racial dynamics at play that could have influenced factors like judicial temperament and mistreatment to parties in some of the Division's courtrooms.

In a September 2021 study, Chicago Appleseed Center for Fair Courts interviewed<sup>[90]</sup> a variety of domestic violence service providers and advocates who repeatedly expressed that survivors of color encounter domestic violence at rates higher than the general population, but as they enter the courthouse at 555 West Harrison, they face barriers that reveal the court's inherent assumption that American-born white women are the "victims" and that people of any other race or gender are the "perpetrators."

At the time, an advocate expressed:

*There is a real palpable sense that every Black person is a defendant...[which] makes it really hard to feel like [555 West Harrison] is a place that is supposed to generate safety for someone.*

Many advocates and attorneys interviewed for this report expressed that these issues are not limited to judicial behavior but are also pervasive with other staff at the DV Court. Several participants mentioned their concern with the harshness of Cook County Sheriff's Deputies – particularly to people of color – noting that security was necessary, but that the actions of the Deputies are often "confrontational" and "petty." One survivor service provider noted that this harshness can have a deterrent effect on utilizing the courts.

## **FINDING 2**

### **THERE IS A DISCONNECT BETWEEN JUDGES, COURT STAFF, AND THE NEEDS OF LITIGANTS THAT IS EXACERBATED BY TECHNOLOGY & TRAINING ISSUES AND LIMITED OPERATIONAL CAPACITY.**

One major theme that came up in our interviews was a set of challenges for court administration and litigation services. This included a general disconnect between judges, court staff, and litigants; issues regarding case screening and processing; and limited capacity.

#### **DISCONNECT BETWEEN PARTIES**

First, we found a general disconnect between the needs of judges, court staff, and litigants. One attorney succinctly

<sup>90</sup> See "Barriers to Justice: Identifying the Hidden Ways Survivors are Punished in Domestic Violence Court" from Chicago Appleseed Center for Fair Courts (September 2021) at <https://www.chicagoappleseed.org/2021/09/08/identifying-hidden-barriers-in-dv-court/>

summarized this problem by describing the Domestic Violence Courthouse as "a system created for convenience...a system designed not for people seeking protection, but for the convenience of the members of the system." They positioned the primary focus of the functional structure of the courthouse as one which prioritizes managing the calendars of judges and attorneys (to ensure their workday is finished by 3:00 PM) at the expense of a comprehensive, integrated system. This can cause administrative stress, which then creates barriers for litigants. As one court-watcher noted:

*[The] environment was a tad hostile, stiff, and cold. [The judge] runs [their] courtroom in a slightly militaristic manner. I could see many litigants being intimidated by [the judge's] presence. [The judge] also didn't seem as prepared with the various cases today. There were a few administrative mishaps...moments [the judge] needed to take because [they] would pick up the wrong case.*

Another explained a similar experience:

*[The judge] was short with staff. I don't know if the staff was disorganized, or if it was [the judge], but [the judge] got mad about some administrative issues. I also did not feel that [the judge] was respectful toward litigants. At best, and for the most part, [the judge] was cold.*

**As such, the system itself has created a structure that does not necessarily support communication.**

This ultimately increases the difficulty in providing quality, comprehensive services and in doing various jobs effectively. The court struggles to ensure litigants understand outcomes and their responsibilities for the next step in court proceedings. One court-watcher explained:

*[The judge] would state the facts behind [their] decisions. [They] did tell the clerk to make sure that a certain case goes to the bottom of the docket for the date of their next scheduled hearing after the respondents didn't follow protocol and [the judge] reprimanded them a bit. But [the judge] didn't say this in front of the respondents/petitioners. [The judge] said this after their hearing was done.*

Interviewees expressed that this lack of communication and disconnection is exacerbated by the physical and cultural isolation of the Domestic Violence Division. Interviewees often discussed how domestic violence can be tied up with other domestic relations issues, especially divorce. This can lead to confusion in understanding the process generally and in understanding which courthouse (555 West Harrison or the Daley Center) litigants should go to and when. Although many of the cases at the DV Court overlap with cases or issues that should be addressed in the Domestic Relations Division, "the attorneys that staff the courtroom[s]... don't pay attention to [policies from the Daley Center]," according to one attorney we interviewed. These issues have been exacerbated during the pandemic, as one attorney explained:

*Try[ing to get] everyone on board, getting everyone to understand...talking to the litigants and directing them [to]*

*different places, that can definitely be a challenge, just getting everybody up to speed on different changes. And especially right now, a lot of people are out...schedules are a lot different than they used to be.*

This isolation reflects a general siloed culture within the court system itself, which is compounded by a culture of insulation of court staff whereby judges and attorneys tend to focus only on their own roles. One attorney mentioned that they felt as though they were unique in being proactive about informing clients about dual-issue cases. One service provider said that the biggest issue they run into is divorce, particularly if there are children involved, “because we can’t walk them through that process.” Another attorney’s experience was similar:

*But in domestic relations cases, divorces, parentage actions, parenting allocation cases, I have heard several judges say that domestic violence in the parents’ relationship isn’t of particular concern to them and don’t seem to understand or acknowledge that it has a real impact on the relationships between the parents and the relationships of the children to each parent.*

An immediate impact of the solitary culture in the court system is that service providers find that people are not being regularly referred to their services. Although this is also an issue of training – one service provider emphasized the lack of knowledge, particularly for the judges who are not doing the referrals – it also exhibits the way in which there is a focused culture, which contributes to a lack of utilization of services and non-court resources. The lack of connection to additional, non-court resources conveys an overall lack of concern for victims

within the courthouse. One service provider said:

*If you sent me twenty people today, I would open more sessions, not a problem. And yet, we don’t get the referrals...I don’t think it’s a lack of programs, I think it’s a lack of education about them. And a lack of understanding about the difference between domestic violence and anger management.*

Many interviewees also discussed the roles and treatment of non-attorney advocates in the DV Court. By statute, the Illinois Domestic Violence Act solidified the role of certified “domestic abuse advocates,” who are allowed (“unless otherwise directed by the court”) to “assist victims of domestic violence in the preparation of petitions for Orders of Protection,” to “attend and sit at counsel table and confer with the victim,” and to accompany victims to any criminal proceedings.”<sup>[91]</sup> While overwhelmingly, our interviews with judges and attorneys presented these individuals as instrumental to the workings of the courts (their presence is, over and over, cited as something that makes the courts work and makes stakeholders’ jobs easier), people also pointed out that court staff do not always properly utilize or respect these advocates. As one court-watcher explained, judges can be, at times, irritable with advocates:

*[The judge] consistently treats all attorneys well. There is slightly more variability with advocates, though [the judge] isn’t outright hostile. With litigants, [the judge] seems to treat them differently based on how much they actively participate in their case.*

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<sup>91</sup> See the Illinois Domestic Violence Act (750 ILCS 60/205) at <https://www.ilga.gov/legislation/ilcs/ilcs5.asp?ActID=2100&ChapterID=59>

One judge interviewed noted that judges err in treating advocates like their staff, saying that judges need to be aware that advocates do not work for them, or provide services for them or for the court system. This variability can cause disconnection between parties and hurt litigants' ability to trust or feel comfortable with the outcomes they receive.

## COMPLEXITY IN CASE PROCESSING

Our interviews highlighted issues with proper case screening and processing. These issues included convoluted court processes and legal mechanisms; confusion around how OPs work; and litigants being unable to file a motion and be seen in front of a judge on the same day. In our conversations, we found that there is general confusion among litigants about how OPs work or how to obtain them, although one service provider expressed their surprise at some litigants' familiarity:

*We have a lot of people that come in off the street...and just say, "I can't deal with this anymore." It sometimes surprises me how many people are fully aware of Orders of Protection, that [they are] even a tool that's possible.*

They elaborate, however, that these people seem unaware of the actual process. They used the example of a client whose abuser had been arrested but the client did not want to cooperate with the State's Attorney or get an OP because she believed that the arrest would be sufficient.

**Additionally, it is often unclear to a litigant who is first engaging with the legal process at what point they should reasonably expect a resolution in their case.**

One attorney noted that people filing for Orders of Protection are vulnerable and often desperate. The decision to initiate legal proceedings is not an easy one; that same attorney stated that the process for obtaining and keeping an Order of Protection is rigorous and few people can do it on their own. The confusing or inhospitable court practices exacerbate a stressful situation.

One of our court-watchers recounted such an experience:

*[The judges] asked petitioners to do a "due diligence" search of respondents' updated address or other information (because respondents hadn't gotten served), and I remember a petitioner misunderstood that to mean that she needed to go over to her abuser's house. It distressed the petitioner.*

Even attorneys described the process as difficult to navigate, which is exemplary of the overall sentiment on the difficulty of moving cases through the DV Court:

*My assumption was that, given the seriousness of the severity of the issues at hand, everything would be very buttoned up and this ship would be run pretty tightly. You know, we got to certain points where filing the initial complaint and trying to get new status dates where we had to jump through a lot of hoops in order to do that, even just getting copies of the orders.*

The attorney continued:

*It did feel that for every task that we tried to accomplish, which I would consider to be routine litigation practice, we had to find a number one right person that knew whatever it was...the one clerk*

*that is in charge of getting this into the system...This court doesn't operate appropriately, and you have to do some digging in order to get some very basic administration.*

**In other words, the complexities of the courthouse administration seem to serve no purpose *but* to be complex and confusing, which clearly present accessibility issues.**

## LANGUAGE BARRIERS & INTERPRETER ISSUES

Another clear and consistent barrier for litigants in DV Court were language issues and access to quality interpreters. One attorney we interviewed noted that interpreters have always been a big issue at the Domestic Violence Courthouse due to their limited availability and mixed quality.

The Cook County Circuit Court system has a limited number of interpreters that cycle through the various courthouses. Interpreter services are available on a “first come, first serve” basis, according to the Court’s website, and although interpreters are listed as available for dozens of different languages, only Spanish, Polish, and American Sign Language (ASL) interpreters are available on a “daily basis.”<sup>[92]</sup> Though the court does attempt to provide interpreters for court dates and judges seem to do their best to secure interpreters as the law requires, the quality of that communication varies.

According to an account from one of our court-watchers:

*[Judges] did pretty well as far as getting interpreters for people. But I can't say [they were] good at patiently listening to litigants' inquiries and statements. [They] seem to have good rapport with attorneys and advocates. I'm not sure that [they're] as professional and respectful toward litigants...more than anyone I've observed so far, [the judge] talks disparagingly of [petitioners] between calls or during the call.*

**One attorney we interviewed stated that “interpreters can be great or they can be appalling.”**

There is intense variability in the accessibility of the courthouse for non-English-speaking litigants depending on “the roll of the dice” of the assignment of an interpreter. This account reflects findings from Chicago Appleseed Center for Fair Courts’ September 2021 study.<sup>[93]</sup> At the time, advocates explained to us that not all interpreters are equally skilled, and many do not understand how to “become the survivor’s voice,” which creates intense frustration. Not only can this affect the clarity with which the survivor’s story is delivered to the judge, it can also affect how well the survivor understands their own proceedings. Interviewees said that some interpreters have miscommunicated to the point that case details have been severely

<sup>92</sup> See e.g., <http://www.cookcountycourt.org/ABOUT-THE-COURT/Office-of-the-Chief-Judge/Court-Related-Services/Office-of-Interpreter-Services>

<sup>93</sup> *Id* at 90.

misrepresented; one attorney told a story about an interpreter who had to correct the court record after erroneously stating that their client had committed a crime.

Interviewees said that hostile and ineffective interpreters are not often held accountable. One attorney shared that some interpreters have been openly hostile to female clients and judges, telling a story of an instance where an interpreter was seen laughing and joking with their client's abuser in the hallway. An advocate interviewed in September 2021<sup>[94]</sup> recounted experiences of interpreters "screaming" at survivors when they lost their patience:

*I can only imagine what...it's like for the survivor having to explain their whole story, personal story, now, everyone is listening to the whole story. This is, everything is public. It's a very intimidating process. And for someone else [like the interpreter], a third party – a whole different person that has nothing to do with the whole situation – to be acting in a way that is going to mentally drag down survivors, it's very, very disturbing, to say the least.*

Predominantly, attorneys emphasized that there are not enough interpreters for Cook County Circuit Court, which causes non-English-speaking clients needing to wait longer in court. Moreover, these interpreter services are typically only available once a survivor enters a courtroom, meaning that non-English speaking survivors must navigate the courthouse without understanding the personnel, the forms, or the signage. People who do not speak English are essentially left

to their own devices until they arrive in a courtroom – and then, at that point, the wait-time for interpreter services could be excessive. Sometimes, interpreters do not show up at all, which forces the survivor to wait hours for their interpreter to appear or even another few weeks or more for a rescheduled court date.

Survivors are forced to figure out a complex system in a foreign language by themselves. Even with many practiced, culturally competent advocacy groups in Cook County, it can be difficult for survivors to know where to look for support. While some judges attempt to clarify basic information in common languages like Spanish, this may not be enough for survivors to understand. This means that the court is just not as accessible for people who speak languages other than English and for undocumented immigrants, especially.

## LIMITED CAPACITY IN THE COURTHOUSE

Our interviews revealed a myriad of issues related to the limited professional and physical capacity of the courthouse. Primarily, interviewees expressed that everyone working in the courthouse is overwhelmed: judges, attorneys, the Children's Advocacy Room staff, and advocates.

**One attorney stated that "every system you [come] into contact with [is] drastically under-resourced."**

They directly connect this under-resourcing to the culture of convenience and the general disconnect (described above), elaborating that these issues compound each other:

*I don't think that under-resourcing alone [lets] anybody off the hook for trying their best to do what they can with their resources. There's just a lot of people sort of pushing off the problems that were created by not fully doing what their piece was supposed to do.*

Interviewees noted that, physically, the courthouse is “starting to burst at the seams.” There is concern that three civil courtrooms can no longer handle the volume of cases. A defense attorney complained that it's difficult to get private space to confer with clients and usually you have to meet in the hallway and “talk in low tones.” A related concern applies to providing space and privacy to persons completing petitions with self-help resources, like shared public computers in the courthouse.

Likewise, there are concerns expressed about the resourcing of the Children's Advocacy Room, which is a valuable childcare service provided to children whose parents are in legal proceedings. The staff know it is a “difficult time” for the parents and that court will often leave them “upset and angry,” but they intervene to “set the tone” for the room to give children room to process what they are feeling. Many children have witnessed violence at home and will often express what they have seen in the playtime, so the staff there works to offer a safe, comfortable, and fun space for children. Only one therapist is available for all the Children's Advocacy Rooms across all courthouses; while that therapist is “always reachable,” she is not always present. Staff have referral information for parents, but they

note that the parents who use the children's room have many needs beyond childcare during court. While staff, as well as advocates, report that there seems to be uniformity and effectiveness among courtroom staff in sharing information about the Children's Advocacy Room, the staff mentioned multiple resource limitations in their work:

*“We don't have all the equipment we need...so sometimes we do have to, unfortunately, deny people just because we don't have the proper equipment.”*

Staff note that the room is perpetually short of books, art supplies, and toys; they often pay for these materials out of their own pockets or receive donations from community-organized drives: “All of us here have donated our own toys, brought clothes for the children.”

Multiple people we interviewed mentioned that judges also seem overwhelmed. One attorney specified that this seemed particularly true for civil judges—particularly over the pandemic. Another mentioned that one judge cannot give cases “the attention they deserve, simply because she had a heavy docket for that day.” Another said that this under-resourcing meant “that there stops being any rhyme or reason to outcomes, calling it, “pure random luck.” There's a sense of extreme unfairness that follows from the heavy judicial caseloads. One judges, reporting on their own capacity issues, said:

*We can't sustain this with three civil courtrooms going and the judges we have now. And then we're going to be moving to 24/7 operation or expansion of hours and we cannot sustain that with the staff that we have. We did have a judge leave and the issue was burnout. I can't work all these hours and not get home to see*

*family or be able to have a break during the day...And we can't get lunch, we can't get a break.*

Another judge noted that overwork seemed to be the only solution to capacity issues:

*So, whether or not I had late duty, I would sometimes be here until eight o'clock at night. I was told, well, then maybe you are taking too long and talking to these people too long...It's just the numbers are increasing.*

Attorneys are likewise overwhelmed, explaining that they “try to make [clients] aware that we are here for them,” but “the problem is with legal advocacy, the need is so overwhelming, you can barely handle what’s coming in, let alone call people back.” One judge said that both Public Defenders and State’s Attorneys need more training, but these staffing issues seem to be of particular concern in terms of the quality of Assistant State’s Attorney’s (ASAs) in DV Court. One court-watcher observed:

*[The judge] did criticize and express annoyance with some of the State's Attorneys, but only after they had made mistakes and tried to start cases without*

*everyone or tried to represent other cases that they weren't assigned to which seemed to come from a communicative disconnect within their own office.*

One attorney expressed: “There’s a lot of younger State’s Attorneys in the courtrooms, a lot of them are untrained. And they come in with their opinions, they don’t come in with any skill.” Interviewees repeatedly expressed similar concerns:

*Working with the State's Attorneys in the criminal courthouse was a rather unpleasant experience. They were some of the rudest, most unpleasant humans I have ever had to deal with in the course of my work as an attorney. They were rude, not sensitive to victims' needs...they were hesitant to provide us information.*

A service provider expanded the problem: “Particularly with prosecutors, there is just a feeling of affinity with punishment. And that is very much the mindset of abusers.” According to one attorney: “The State’s Attorney’s Office, frankly, these are not entities that I want to rely on to keep me safe and enforce my rights.”

## FINDING 3

### JUDICIAL CULTURE, BIAS, LACK OF TRAUMA-INFORMED PRACTICE & NEED FOR TRAINING SEVERELY IMPACTS QUALITY OF JUSTICE.

One of the most apparent and repetitive themes in our interviews centered around the attitude and quality of DV Court judges. This included critiques of judicial culture generally, of judicial training as insufficient, and of judicial bias as rampant—all of which impact service attainment for litigants.

#### JUDICIAL CULTURE & MODES OF DECISION-MAKING

Our interviewees repeatedly touched on the behaviors of judges and the culture of the judiciary. Importantly, the culture and the



environment of courts are two key aspects that affect access to justice; naturally, when judges, lawyers, or other court employees make litigants uncomfortable – especially by exhibiting race, gender, or class biases – the legal system becomes less accessible to that person.

## **In our discussions of courtroom culture, interviewees consistently mentioned the effect of the Presiding Judge—even when not asked directly about that role.**

As one attorney said, the Presiding Judge has a lot of power and, as one judge also noted, the culture of the courts can change under different Presiding Judges' administration. This is important to note because recently, the Presiding Judge of the Domestic Violence Division, Raúl Vega, retired after several months of media investigations (specifically by Injustice Watch and the Chicago Reader). Judge Vega, who had been Presiding Judge since 2018, had been accused of mistreating women, having concerning temperament, and making questionable legal decisions that were eventually reversed by the Illinois Appellate Court.<sup>[95]</sup> This background provides some insight as to why interviewees frequently returned to the Presiding Judge when discussing judicial culture.

Generally, those we interviewed strongly disapproved of Judge Vega's performance in the role—even when acknowledging that he improved civil court services through their expansion. Complaints included a belief that his rulings were based on personal feelings rather than the law, that he has severely limited court access for victims, that he was disconnected from conversations in the Division, and that he had done away with training to the detriment of the courthouse. Another major concern was the sense he had cut off advocates from meaningful participation in the management and direction of the Division, where historically, they had been an important force in its structure. One attorney expressed that “[Judge Vega] stopped talking to the advocates, period – he wouldn't even return their phone calls.” One judge commented:

*I think that the advocates definitely have a role and I think that it's necessary to have communication. With all due respect to the role, I felt like that was a big line of communication that he, Vega, completely cut off.*

Two attorneys directly compared Judge Vega to an “abuser,” one saying:

*[His behavior was] inappropriate. He shouldn't be speaking to victims, touching victims, speaking to attorneys the way that he does, engaging in some of the behavior that he does. It simply has no place in that courtroom or anywhere else, but especially there. I've seen it, I've heard about it, I've spoken to many people who are also aware of it.*

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<sup>95</sup> See “Cook County Judge Raúl Vega is Retiring Under a Cloud of Allegations” by Kelly Garcia for *Injustice Watch* and the *Chicago Reader* (January 2022): <https://www.injusticewatch.org/news/judicial-conduct/2022/raul-vega-domestic-violence-court/>

The other attorney said, “everybody knew he was acting like a typical abuser” in the way that he enacted his power, with a third stating: “He’s horrible, he’s a misogynist, he’s a racist. He needs to go.”<sup>96</sup> One attorney summed up the problem with Judge Vega:

*His goal was not to serve the public, although he wouldn’t say that. But the goal was to get people out as fast as they could, so that we could have more volume and the judges could go home on time. That really was the emphasis.*

Interviewees made this point through comparison to his predecessor, the immediate former Presiding Judge, Sebastian Patti, emphasizing his comparatively pleasant demeanor. Two judges and two attorneys discussed how Judge Patti would circulate the courthouse, connecting personally with everyone in the Division. One of those attorneys emphasized how he made himself “part of the team” by doing the bad jobs that no one else wanted to do. This was all said to emphasize the uniqueness of Judge Vega and explain how relationships with the Presiding Judge influence the culture of the courthouse.

Multiple interviewees expressed hope about Judge Vega’s successor, Judge Judith Rice, emphasizing that Judge Rice already seemed substantially more willing to collaborate and seemed generally more pleasant. One advocate-based hope on how Judge Rice has “a history of knowing what she’s doing and understanding the climate around the work we do.” Nonetheless, some interviewees remained concerned about the future, stating: “if you think that Judge Rice is going to come in and

work miracles, I don’t know what miracle she’s supposed to work.” While it is extremely clear from comments about Judge Vega that the Presiding Judge can have a tremendous impact on the overall culture of the division, some issues discussed within this report do seem to transcend a single person.

**One of these issues, for instance, include a palpable judicial culture that is generally self-congratulatory, with judges being generally intractable or not correctable.**

Domestic violence judges were described as stubborn, unwilling to listen to people who weren’t judges, and unwilling or unable to correct each other. A service provider discussed the idea of judicial training as difficult to facilitate as a non-judge because “they will only listen to other judges.” An attorney elaborated, “it’s hard to know who can make a judge run their courtroom differently from how the judge wants to run their courtroom.” As one court-watcher observed:

*While the judge did not do anything specifically ‘unprofessional,’ she did interrupt the ASAs, [Assistant Public Defenders], and defendants a couple of times when they spoke at a time she deemed inappropriate or asked a question out of the realm of what she could answer.*

<sup>96</sup> At the time of the interview, Judge Vega was still the Presiding Judge and this attorney specified that it caused them to lose faith in Chief Judge Evans for failure to take community complaints about the Division seriously.

There are very few people, perhaps including other judges, who can convince a judge to change their methodology. An attorney described one judge who “likes to dig in, even when they’re wrong, because they don’t want to admit they’re wrong” and possessing “a real defensiveness about their own lack of knowledge.” This kind of stubborn defensiveness can translate into a lack of respect for colleagues and litigants. On the survey form used by court-watchers, we defined “respectful” as one who “treats all parties, attorneys, and others in the courtroom with the same level of respect or courtesy.” Of the 188 cases observed, most court-watchers felt that judges were not always equally respectful to all parties in the case. When asked to explain what the judge did to that made court-watchers feel that they were not respectful, some narratives provided by court-watchers to corroborate their ratings include:

*[The judge] clearly holds the position of power and authority in the courtroom, and [the judge] is allowed to make mistakes or be unprepared. I can't say the self-respect [the judge] seems to hold was tempered by the respect [they] give to others.*

*[The judge] wasn't respectful toward the respondent in the second case. [The judge] also snapped a few times at the attorney for the petitioner in that case.*

*[The] judge...treated everyone equally and treated everyone with the same level of respect...[but] did make one comment that did not seem to be respectful and felt judgmental, [which] put the children at the forefront of [the judge's] decision, essentially ridiculing both parents for fighting in front of their kids and trying to use this as a teaching moment, though I'm not sure that was completely appropriate.*

Interviewees also expressed a lack of clarity and consistency in judicial assignments. One attorney critiqued how judges are assigned to the Domestic Violence Division, stating that they were not assigned based on desire to work in the Division; another noted that there does not seem to be a clear merit-based pattern with respect to who is moved to or from the DV Court. Another mentioned that the domestic violence assignment seems to be a “stepping stone post” for judges before they go somewhere more desirable, usually after only a few years.

Interviewees discussed judicial selection as crucial to supporting the work at 555 West Harrison, but overall, lacked confidence in the prioritization of judicial selection and a frustration at the systemic failure to move judges who are not doing well. One lawyer mentioned the stakes of the courthouse in terms of needing to make “big decisions about people’s lives,” saying that the role “requires a lot of internal confidence.”

As the lawyer described confidence as a mostly unmet job qualification, they clarified that this was also a confidence to address their own failings:

*You want to have the judges who have the most confidence in themselves, like real confidence not fake “I’m gonna lean in on a bad decision” confidence, but real confidence in themselves and who can be really thoughtful and say, “I understand I may make the wrong decision today” without kicking responsibility down the road for someone else to deal with.*

Right now, they say, this is not how most judges behave. Some interviewees discussed the individual-level problem of judicial selection.

One service provider gave the example of talking to clients about why they do not return after plenaries: in one case, they had a particularly difficult judge, but they could not assure the client that they could change the judge. The process of appealing judges who had exhibited re-traumatizing behavior toward litigants was itself unduly prohibitive to the process of obtaining legal remedy. An attorney emphasized, again, that judges tend to be siloed. They do not often appear before each other and, therefore:

*They don't know what another one has done on the bench unless they're a practitioner who's just been elevated to the bench. And so, they make all of these assumptions and judgments based on their casual interactions with other judges. And they don't understand how judges treat litigants, issues, management of their court calendar, or anything like that.*

These poor behaviors, the negative judicial culture, and inefficient modes of decision-making are passed from one judge to the next without central oversight because the people with the best practical ability to correct their colleagues (other judges) lack meaningful perspective on what might need correction.

## LACK OF TRAUMA-INFORMED PRACTICE

Our interview and court-watching data shows that ultimately, DV Court judges lack knowledge of or willingness to practice in trauma-informed ways. The behaviors of some judges create a court-environment that can further traumatize survivors. While it can be argued that going to court can be an inherently traumatic experience for anyone,

practices that are not trauma-informed should be critically examined in the DV Division, as 555 West Harrison is promoted as being a building concerned with survivors' safety in mind, from the building's design to the wraparound services offered in the courthouse.[97]

**There are reports of practices that, while potentially appropriate for standard cases, run the risk of further re-traumatizing survivors and causing harm.**

One court-watcher observed:

*At times, I felt that [the judge] was hostile to [litigants]. Sometimes, with good reason (for example, a respondent was clearly very disrespectful, and [the judge] didn't necessarily lash out at him). But other times, I felt that [the judge] was way too controlling and abrupt with litigants, and most of them were respondents.*

Interviewees say that judges do not seem to understand why petitioners and respondents behave the way that they do in the courtroom. They express that judges themselves behave in ways that re-victimize survivors, all stemming from a misunderstanding of trauma. One court-watcher succinctly described this:

*If I was a litigant, I'm not sure that I would feel very comfortable around [this judge]. These individuals are there on the worst day of their lives. They are coming from trauma. They are coming from a place*

97 *Id* at 62.

*of desperation. I question whether [this judge] has a strong understanding of best practices for [domestic violence].*

Many interviewees noted, though, that the general impression of judges at 555 West Harrison is that they are better at understanding domestic violence issues than those at the Daley Center. Judges who have been doing DV work for a while tend to be better informed about domestic violence, and can, as one attorney stated, get really good at noticing the little details that someone is abusive. Nonetheless, advocates routinely explained that judges do not understand “why that victim’s presenting that way,” or “why that abuser seems so smooth and polished.” The implication of this observation is that judges do not properly analyze or understand behaviors and can misread court presentation to the detriment of victims.

One lawyer elaborated that judges fail to understand the dynamics of abuse and, specifically “just how harmful that is to kids.” An advocate delineated a specific example of the stakes of judges not understanding trauma: they ask invasive questions loudly in front of other people without understanding that giving out personal information in front of a crowded room feels particularly unsafe. A service provider mentioned that judges can behave like, or even themselves be, abusers. Similarly, a court-watcher found judge’s “militaristic” fashion as particularly harmful for survivors:

*[The judge] has a slightly militaristic control over [their] courtroom. [They] can be short. [They] can be impatient. [They] can seem disorganized. If I was a victim of domestic violence, I would not want to be seen by [this judge]. I wouldn't feel seen by [them]. I wouldn't feel safe around [them]. If [the judge]*

*was noticeably polite to my abuser (respondent) because he/she/they was hamming it up for her, but [the judge] was noticeably neutral toward me, I would feel unsafe.*

Again, it is important to note that the judges illustrated above demonstrated behaviors in cases with Black and Latine individuals, thus further illustrating *Finding 1* regarding the many ways that Black people and people of color are the ones most likely to be re-traumatized through the courts.

Although a lack of trauma-informed training is often presented as the reason for these failures, respondents are not consistently optimistic about training as a solution. One advocate does say they believe that training for law enforcement, the State’s Attorneys, and judges would make things better, “if we could get them to understand why people are the way they are.” One lawyer said that solving the judicial failings addressed here would take a broader cultural shift:

*It's not something that you can simply do a couple of trainings and somebody gets it for the rest of their life. There's a deeper misogyny going on there, I think, and also just that intersection of misogyny with racism and class issues. So, when you have someone who is poor and black and a woman or not, and add non-binary to that, and those are real barriers to people understanding someone else's experience.*

Another lawyer said that a lot of people say that training is a solution to judicial lack of understanding but that they disagree:

*It's not that they don't know what to do with [domestic violence victims], it's that*

*they don't care about them. I've always thought that the way judges handle issues is not because of ignorance.*

In many ways, it seems that the lack of trauma-informed training is just one symptom of an overall problem with judicial culture, as explained above.

## JUDICIAL BIAS

Biased judges came up frequently throughout our interviews, with interviewees articulating that judicial bias is a major problem in the DV Court.

**This bias manifests in problematic treatment of parties—through a lack of empathy, prejudices against people of color, holding grudges, a lack of sensitivity, and bringing preconceived stereotypes into their decision-making.**

This is a particular issue in terms of judges' victim-blaming and with issues of non-enforcement of OPs. While we have touched on this as it is connected to judicial understanding of trauma, many interviewees emphasized this as its own issue. As one attorney put it, "judges will have a bad experience with a visitation arrangement, for example, and from then on they are skeptical about the case."

Many interviewees had a particular story about how judges have engaged in problematic

behavior through improper generalization. One attorney mentioned how xenophobic bias resulted in poor treatment of parties to the case as well as a display of inaccurate assumptions about the acceptability of domestic violence in other countries. The attorney detailed the judge's bias against immigrant populations:

*The defendant was Latinx and he has some immigration consequences. And [the judge] began to talk to him and say some very inappropriate things about our standards here in this country. And "we don't do this to women here." That was totally inappropriate.*

We also heard many concerns about victim-blaming and gender-based judicial stereotyping. One interviewee said:

*The focus should be on the actions of the abuser and that's pretty much it. And we see a lot of victim-blaming, questioning victims and why they did something the way they did or asking why they are texting back or swearing at them.*

Our September 2021 analysis[98] showed similar issues. As one lawyer explained to us at the time:

*There's a lot of focus on the victims' actions: "Why didn't you call the police? Why didn't you proceed with charges?" as opposed to, well, "why did you abuse this person?" Like the accountability is—it's astonishing to me how lopsided it is the expectations put on the victim as opposed to the actual abuser.*

Interviewees discussed how petitioners who return for an Order of Protection months – or even years – after denial of a prior petition often find the previous denial held against them.

It seems that prior denials of petitions are taken as evidence there was no previous violence, rather than a function of the difficult-to-navigate process and judicial misunderstanding of how victims present in court. A service provider discussed the explicit stakes of this particular bias when victims come back after a denied petition, saying:

*Sometimes they come back months or years later [because] there was a new incident. But then that always felt like that was against them. Like, "you tried to get an Order of Protection before, but it didn't get granted," and it seemed like the presumption was so then clearly there wasn't abuse, whereas the presumption should be you tried to get an Order of Protection before so that means there probably was an incident of abuse before what's going on. But we still kind of live in that world, unfortunately, where there's a lot of victim blaming.*

One attorney mentioned their perceptions that a particular judge held a general bias against victims—to the point of letting everyone go no matter how many times they violated an Order of Protection. The attorney said:

*I was watching it happen over and over again, very similar violations and her letting them all off. It was almost silly, in some of the cases, that she was throwing out some of the chargers and letting people go even when they did seem rather serious...Not really paying much attention to the victim and the sort of fear that they were going to do this again. And I kept thinking to myself, as I was sitting there, this is only going to change when she lets somebody go and then they get killed or seriously injured.*

Another attorney discussed how judges fundamentally misunderstand poverty and what resources are actually available.

They said:

*A woman was late for court and her case was dismissed because she was late but she came in. Her case was up at nine and she got there about 10:15. And she told the judge that she was a grandmother taking care of her grandchildren and couldn't find someone to take care of them for the OP. And you know what this judge said to this poor, older Black woman? "Well, I have kids too. And I managed to get here on time." Some judges fundamentally do not understand the difference in circumstances between their own privileged positions and the positions of the people they serve.*

Victim-blaming, including at the level of chastising survivors for how they interact with the courts, and biases against poor or immigrant populations systematically denies justice to survivors of violence and makes the courts inherently inaccessible.

## THE NEED FOR IMPROVED TRAINING

While our interviewees were careful not to put too much hope into improved training as a solution to judicial problems, many articulated that the judicial training process is unclear, insufficient, and has implications for litigants. There is significant variation in the overall environment of the courtrooms in the Domestic Violence Division.

**Judges range in how they conduct themselves, engage with technology, and treat all parties across cases.**

One court-watcher observed a judge who:

*Display[ed] the traits of a new judge in [a Domestic Violence] Court. [They] seemed more disorganized, impatient, and short compared to the first time I observed [them].*

Multiple interviewees discussed a problem with formal and informal judicial shadowing or judges training each other: that things that are being done incorrectly or poorly are passed down from one to another without an awareness of why things are being done. One attorney discussed how judges train each other:

*So, you'd see things like some judges, like personal preference about something being transferred to the next judge and the next judge wouldn't even know why they were doing it that way. That was just how the person who trained them taught them.*

Another attorney described it in terms of “bad habits” being passed around. That is, because of a lack of standardization in judicial onboarding, judges who do things incorrectly train other judges to do things that same way.

An increasingly salient issue within the Domestic Violence Division is judicial technological ineptitude, which appears to have been intensified by a lack of training. When the COVID-19 pandemic began in March 2020, Cook County began holding court by Zoom (a video-teleconferencing platform). Various judges we interviewed believed that Zoom proceedings increased access to justice for the community and set a healthy precedent for “the future” of court proceedings. Nonetheless, many Domestic Violence judges have expressed that there are numerous issues with virtual proceedings in the present. One judge, in particular, acknowledged their own contribution to these issues, noting that

they often neglected to mute themselves at the appropriate times. One court-watcher was able to corroborate this, noting that:

*[The judge] definitely had some issues with navigating technology. I know he feels very positively about the future of Zoom, which is great. But I noticed he didn't turn off his mic or camera a couple of times during calls.*

For Zoom to increase access to justice for the public, court staff must learn how to harness it effectively. One possible recommendation, as relayed to us by a stakeholder, may be to provide improved training to judges and other court staff. Another solution, as relayed to us by a judge, may be to explore other options — software companies that could develop something specifically for courtrooms and legal proceedings. Currently, it remains to be seen whether virtual proceedings through Zoom have, indeed, increased access to justice—especially for unrepresented people, people without access to computers or the internet, and non-English speakers. While speaking with stakeholders, we learned that court staff often feel overwhelmed by the number of individuals, particularly those without clear identification, awaiting entry into the virtual courtroom and often lose control over the administrative processes as a result. Several of our court-watchers experienced difficulty gaining entry into virtual courtrooms, and the explanation often given was that it is difficult for clerks and administrators to keep track of everyone.

For litigants in Domestic Violence Court, specifically, the lack of judicial proficiency with Zoom has posed some ambiguities for petitioners who need to receive their Orders of Protection. Before the COVID-19 pandemic, it was essential that if Orders of Protection were entered, survivors must leave the courthouse with a physical copy. Given the remote nature of Zoom



proceedings, court-watching was also used to assess how judges and court staff navigated these parameters virtually. Specifically, court-watchers noted that while judges made it known that Orders of Protection were entered, some judges broadly asked that the attorney or advocate “make sure” petitioners received a copy, and other judges only made it known that an Order of Protection was entered but did not provide any explanation as to how the petitioner would receive a copy of the order.

A final concern about training was related to us by a judge who mentioned that there was a paucity of training on male victims, as well as the lack of knowledge around them, stating: “I was unpleasantly surprised to see the lack of training on it when I know the numbers are really, really high.” Judges seemingly reach roadblocks in finding training when the material does not conform to social and cultural stereotypes about people harmed by domestic violence.

## FINDING 4

### ISSUES WITH THE CLERK ARE PERVASIVE & CONSISTENTLY CREATE BARRIERS TO ACCESS FOR LITIGANTS AND ATTORNEYS.

#### **Problems with the Office of the Clerk loom large throughout the court system, especially in the Domestic Violence Division, according to our interviews.**

Specifically, interviewees discussed how the Clerk’s Office problematically does not work to clarify the Order of Protection process, is generally inefficient, and how staff are often biased, which sets up barriers for many litigants.

#### **INACCESSIBLE PROCEDURES FOR ORDERS OF PROTECTION**

According to our interviews, information from the Clerk’s Office regarding procedures for Orders of Protection is difficult to get and incomplete. One attorney called 555 West Harrison “The Forgotten Courthouse” in terms of communication with the Clerk’s Office. Although, they specified, there is a culture of no communication across all the Cook

County Courts, the Domestic Violence Division is particularly bad. This, they say, makes it “ironic that it was a standalone building [created] for the purpose of getting [domestic violence] the attention it deserved.” This attorney and many others agreed that it was very difficult to get information from the Office of the Clerk. One attorney remembered that when they started working in DV Court, they had trouble locating things and feeling generally informed “until very late in the game,” even as they felt supported by an extensive network of advocates. Another attorney specified that nobody communicates with litigants either, saying: “There was a lot of frustration on the part of the litigants, just because they were like, ‘well, I’ve been at this forever and nobody’s told me this until now.’” An attorney quoted earlier (*see Finding 2*) explained that “even just [to get] copies of orders,” people have to “jump through a lot of hoops.”

A judge agreed that the “frustration” was that “there’s nobody really here who can tell me what’s going on and I can’t get access to orders.”

## The judge described litigants in the Domestic Violence Division, generally, “slipping through the cracks.”

Naturally, it is unclear to most litigants throughout the process that OPs can be complicated. Multiple participants mentioned that they wished litigants knew how long the process could take. One attorney stated:

*A lot of people felt like they don’t know how much time it really takes to get the Order of Protection. They don’t know all the paperwork forms they need to fill out. They don’t understand the process of serving somebody. I think there’s this misconception that they’re going to walk out with an Order of Protection and they’re good now. Even if your Order of Protection gets granted, it’s not effective until the other person is served. So, they don’t really know that aspect of it.*

Despite the lengthy process, one advocate said that their clients do not often get the chance to talk or think about whether the OP was the right option for them. An attorney similarly noted that the OP can be the only legal remedy that a victim has for safety, emphasizing the clear stakes of the

disorganization and lack of communication regarding OPs within the Office of the Clerk.

## INEFFICIENCY & BIAS

The second problem that came up is that the Office of the Clerk is generally inefficient – and sometimes biased – throughout the process. One attorney explained that “the first point of contact [with the system] is the Clerk’s Office” and emphasized how important it is throughout the process. As the first step in the process, they act as gatekeepers for judges as well as the system as a whole. The Office of the Clerk needs to approve every motion that is filed before a petitioner can see a judge. This creates unnecessary hassles and delays, according to attorneys. One attorney said that paperwork is not always or often forwarded to the right judge so, for example, in cases that transfer between the DV Court and the Daley Center, the court is not prepared when the litigant comes in for their court date. This attorney said that it is often the job of lawyers on the case to prod the Clerk along in transferring paperwork.

### **For decades, the Clerk's Office has been known to be disorganized.**

This disorganization has “delayed the legal process” for people (including “hundreds of inmates who claim they were wrongfully convicted”[99]). When the twenty-year Clerk of the Court, Dorothy Brown, retired in 2020, Chicago Appleseed Center for Fair Courts, the Chicago Council of Lawyers, and the Civic Federation began evaluating the Office under her successor, Iris Martinez.

<sup>99</sup> Cohen, M. (2020). “The Race to Repair Dorothy Brown’s Office” for *Chicago Magazine* (January 2020): <https://www.chicagomag.com/news/january-2020/circuit-court-clerk-race-meet-the-candidates/>

In our 2020 transition report,[100] we stated:

*For the past two decades, the [Clerk's Office has lagged in technology, customer service, efficiency, and transparency, among other shortcomings. There has not always been sufficient cooperation or coordination between the Circuit Court Clerk's Office and the judges whom it supports.*

We recommended a variety of ways to improve efficiency. Still, according to attorneys, the Clerk is “the consistent troubling point” and “just a stumbling block.” An advocate said that they feel as though there is much disconnection with the Office of the Clerk; they said that the Clerk is not filing OPs in an efficient manner and that this lack of connection and inefficiency was made worse during the pandemic, over Zoom (although filing OPs had never been a quick process).

Participants also discussed a bias in the Office of the Clerk. One attorney said that some Clerk's staff are biased against male survivors of domestic violence and use offensive language to litigants who try to fill out petitions. Another agreed that the Office of the Clerk is generally biased and pointed to language barriers as specific examples: “the documents are all in English” and the English is full of legal jargon.

In September 2021, advocates told Chicago Appleseed Center for Fair Courts[101] that

the necessary legal forms that people must complete to receive an Order of Protection do not include a space for individuals to specify their pronouns. This leaves trans and non-binary people to face constant misgendering throughout the legal process. These advocates explained that the fear of harassment, misgendering, or even of outing someone to the public can deter survivors in the LGBTQ+ community from reporting or proceeding with a case:

*A lot of survivors also share that they do not want their partner to be harmed or they're really worried about the legal consequences for their partner. Their partner may be trans and non-binary, and then that may be outing them and going through the court process because, again, using a partner's legal name or a dead name versus the name that they use, or having to out themselves by going through that system too that somebody may not be out as bi, gay, lesbian, queer, to their workplace or to even their family members or friends.*

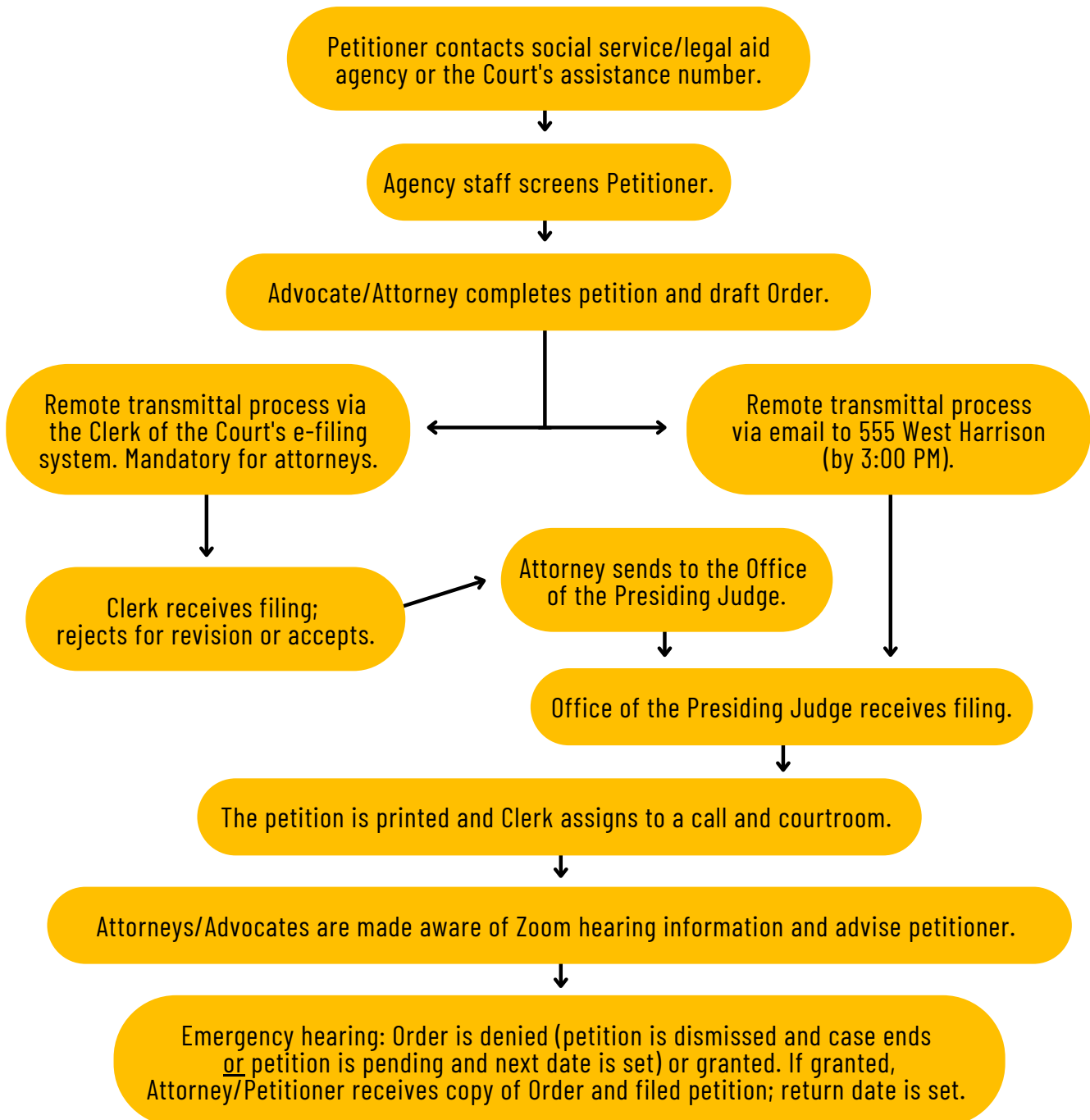
By failing to protect all people using the court system strategically and intentionally by making all forms inclusive, the Office of the Clerk is perpetuating the institutional biases of the system, which therefore contribute to barriers to access for DV Court litigants.

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<sup>100</sup> See “New Directions for the Office of the Clerk of the Cook County Circuit Court: Recommendations for Planning and Transitioning to New Leadership” by Chicago Appleseed Center for Fair Courts, Chicago Council of Lawyers, and Civic Federation (September 2020): <https://www.chicagoappleseed.org/wp-content/uploads/2020/09/2020-Clerk-Transition-Report.pdf>

<sup>101</sup> *Id* at 90.

# PROCESS CHART TO OBTAIN ORDERS REMOTELY



See Appendix 6 for full process chart and citations.

# DISCUSSION.

Our findings, outlined above, show that the Cook County Domestic Violence Division – especially the courthouse located at 555 West Harrison in Chicago – has a variety of necessary but under-funded

support services and wide range in the quality of judges and court staff, which systematically perpetuates systemic racism, classism, and sexism by creating inaccessible courts.

## BROAD THEMES

**There are three main themes that resonate throughout our findings.**

These are inconsistencies in judge and staff quality, biases, and training; severe under-resourcing in the Domestic Violence Division and with community resources; and cycles of neglect that perpetuate systemic inequalities in the legal system.

### QUALITY OF JUDGES & STAFF

This report focuses a great deal on judges because they have the power to set the tone for a litigant's experience in the court system, but the inconsistencies in the quality of State's Attorneys, Clerk's Office employees, and Interpreters were likewise expressed. These inconsistencies can severely impact the ability for litigants to utilize the court system. Results from our court-watcher observations clearly indicate that there is a tremendous variance in quality, competence, and temperament of judges. This matched the impressions given throughout our interviews as well, where attorneys and non-attorney advocates emphasized how some judges are great and others are not. Interviews also showed an overwhelming concern with the CCSAO, the Office of the Clerk, and Interpreter Services.

Someone's experience in the Domestic Violence Courthouse is subject to the roll of the dice on

whether a litigant will have access to a judge who is empathetic, knowledgeable, and fair; to a State's Attorney who is well-trained; a Clerk who is competent and prompt; and/or to an interpreter who is effective. One overarching reason for issues with the culture of the courthouse is, according to our interviewees, the Presiding Judge. We know from talking to stakeholders in this report, and from previous work in the Domestic Relations Division, that the Presiding Judge plays a massive role in determining the prioritization of litigant experience and shifting the culture of the courthouse. For example, when the former Presiding Judge Vega did not prioritize the role of non-attorney advocates, this disconnect impacted litigants' abilities to properly fill out their OPs or understand the forms that are not available in languages other than English, which generally affected their feeling of justice as they navigated the court.

### UNDER-RESOURCING

The Domestic Violence Division appears to be under-resourced—both in terms of adequate personnel to handle the high volume of cases and also in terms of the support services needed by the community to actually address the causes of violence. As explained above, judges, advocates, and attorneys all expressed a sense of being overwhelmed and concerned about the capacity of the courthouse. We heard many concerns about the need for more domestic violence service providers, including legal aid

attorneys and non-attorney advocates, as well as more funding for the Children's Advocacy Room and related services. Without the ability to address the root causes of domestic and intimate partner violence, the DV Court is no better than a band aid for people who are struggling.

## **CYCLES OF SYSTEMIC INEQUALITY**

So much of the experience someone has at 555 West Harrison depends upon some degree of chance: whether there will be an available advocate when a petitioner comes in, whether there will be a competent and accurate translator available who speaks a litigant's language, and whether they will be before one of the judges

who is compassionate and competent. This is directly connected to the under-valuing of existing resources within the Division and the culture and cycle of neglect of those existing resources. Although we do not know the precise socio-demographic information of who is served by the Domestic Violence Division because we lack access to robust and specific quantitative data from the Office of the Clerk, we can extrapolate both from our court-watching and from broader sociological research that many of the individuals who come through the domestic violence courts are people of color. The inequities of the courthouse, particularly those that are driven by bias, undoubtedly exacerbate existing inequalities in the legal system.

## **PROPOSED SOLUTIONS**

During our interviews, participants discussed a variety of ways to improve the DV Court. These solutions centered around four major areas: funding both for the court and for non-legal resources; accessibility of the courthouse in the form of expanded hours and maintaining remote access; communication between courthouses and to parties; and ongoing trauma-informed training for everyone working in DV Court.

## **FUNDING FOR COURT & NON-LEGAL SYSTEM RESOURCES**

Under-resourcing is chronic in public services and difficult to address. This under-resourcing in the Domestic Violence Division manifests in case delays (such as waits for translators) and litigant confusion (as happens without Zoom coordinators), but it also results in bad outcomes. It is not simply that the court lacks

resources to run a smooth, efficient, timely hearing, but also faces unnecessary stress and strain. Judges are constrained without sufficient resources to make appropriate referrals to other services like the Child Relief Expediter, legal aid, or safe exchange centers. One attorney mentioned that, while it is good that pilot programs for mental health services are starting to happen, these should have already been well entrenched.

If additional resources are deployed to the Division, they must be placed appropriately; staff must be properly trained and given necessary duties; and physical resources must be properly trained and given necessary duties; and physical resources must not be over-taxed or made unsafe. Interviewees' suggestions about where to expend money tended to highlight the categories of housing, childcare, food, and mental health services, for all parties. One attorney discussed how punitive measures are not going to address the root causes of domestic violence, explaining

that there is more funding for law enforcement than housing, which is what people actually need in order to leave dangerous situations. One judge elaborated that the housing situation was particularly dire for trans individuals and that there is a particularly acute need for free counseling without a religious component. Services, they say, tend to fail when they cannot recommend free ones that fit the particular individualized needs of the people before them.

## Many people discussed the need to divert money away from policing and incarceration toward social services unrelated to the legal system.

This would help, as one judge put it, “remove the source of the violence and plug people into as many services as possible.” One attorney posed the rhetorical question: “Why do we want to pay for prisons instead of helping people on the front end?” This front-end help was described as “high-quality, individualized and effective services.” Multiple attorneys agreed that these services need to be known to the courts but not entangled in them. One explained:

*I think that people need services that empower them and if those services that are empowering people are employed by the court, then they're not the helper of the victim, they're really part of the system. [It] has to be separate from the system to work.*

When services are wholly integrated into the Division (including through the nonprofit and community-based agencies which serve it), the severe under-resourcing is exceptionally frustrating for practitioners.

As one explained:

*Every system you came into contact with was drastically under-resourced...but when you're there in person, and you're like, “here's the statute, and...here's what we need to be able to accomplish, and here's [where] it says that you're the one who accomplishes it,” and the ways that you would get shut down, or the ways that you would be treated for even asking for it...were really frustrating.*

This attorney noted the impact this had on the judges as well, stating you could see the judges burning out from the pressures, too. Advocates and judges alike acknowledged that judges sometimes treat attorneys and non-attorney advocates (particularly those located on-site) as staff, expecting them to provide services to the court or judges. Not only does this interfere with the advocates' and attorneys' abilities to get their work done, but it also obscures problems of resourcing.

More funding for advocacy services was a particularly salient theme throughout the discussions of resource needs. Although the Division connects self-represented litigants with legal aid on-site and with some self-help resources, the Division lags behind other jurisdictions in court-based services for people without attorneys (as is explained further below). Many participants – particularly attorneys – discussed legal aid and expanded advocacy. When asked about solutions, the first thing one attorney said was that “somebody could fund advocates,” as they help traumatized people navigate the court system. Another attorney said:

*If we're trying to improve victim safety, I think by having more access to advocates, people who are knowledgeable of the court documents, is going to be more effective. More legal aid.*

A third attorney echoed the sentiment that more money for legal aid, particularly for DV appeals, would be “a great thing.”

## EXPANDED ACCESS TO THE COURTHOUSE

In terms of accessibility, participants discussed two reforms: continued remote access to the courts and 24/7 courthouse operations. Opinions were generally ambivalent about both, although there did seem to be consensus that remote access should remain in some capacity for litigant comfort and safety, and that hours should be expanded to improve compatibility with litigant work schedules.

Although our research found that 24/7 access at the courthouse is not broadly seen as necessary or even positive, Cook County Chief Judge Evans recommended the implementation of around-the-clock access to Domestic Violence Court in April 2022.<sup>[102]</sup> This 24/7 access is expected to begin after Labor Day; currently, the DV Court is open to litigants from 9:00 AM to 5:00 PM, Monday through Friday and not on holidays. Interviewees generally believed that the need was relatively low for middle of the night access to the court, but there was some debate. One judge explained that they “like the idea of 24/7, I like the idea of some type of convenience factor,” although, “there’s a difference between emergency and convenience” (specifically considering weekends, should someone have an emergency on a Friday).

Although we heard that there is consistent need for more or shifted hours in order to better accommodate a wider variety of work schedules and childcare needs, so that going to court does not involve hidden costs of unpaid

time off work or prohibitively expensive childcare, the practitioners we talked to emphasized that utilization of the courthouse at all hours would likely be insignificant and that resources would be better spent on improving the existing services.

**Most people agreed that some form of expanded access was necessary (perhaps on certain days), but that 24/7 access may not be the ideal solution.**

Zoom was the most contentious issue, with some judges and attorneys being stringently opposed and others convinced that it would improve court access. One judge called it exhausting and another said that there were some positives, but that it mostly exposed the negatives of the system. Others advocated for Zoom in general, supporting continued remote opportunities for court cases because it works better for some clients. One attorney said that although it is helpful for litigants who cannot get to court, it is, overall, “awful.” They said:

*You don’t understand [the] dynamics of violence looking at somebody’s head. But in a courtroom, one of the things I do well as a litigator is subtly provoke the abuser to act like an abuser, but I can’t do that in a Zoom call. So as a lawyer, I want to be in the courtroom. And as I hear judges talk about their experiences, on Zoom in these meetings, they need to be in a courtroom.*

<sup>102</sup> Sabino, P. (2022). “Cook County Expands Domestic Violence Court to Allow Survivors to Access Legal Protections 24/7” for Block Club Chicago: <https://blockclubchicago.org/2022/01/03/cook-county-expands-domestic-violence-court-to-allow-survivors-to-access-legal-protections-24-7/>



One attorney said that remote options, for the client, can be less stressful by alleviating the burden of securing childcare and easing travel time to the courthouse. Another attorney concluded that some form of hybrid court should continue where the petitioner can decide whether to appear physically or virtually for greater safety of petitioners who do not feel comfortable appearing in physical court with the respondent.

## IMPROVING COMMUNICATION

Throughout our interviews and court-watching observations we repeatedly heard about the disconnect between parties (judges, legal aid and advocates, the CCSAO, the Clerk, and litigants) in the DV Court. Some people we interviewed discussed having more effective triaging of cases, with lawyers positing that “they would need to work with the Clerk so that somebody’s in charge of getting that information” to litigants.

This sort of “in-depth” triage would be of particular importance for self-represented litigants who are not trained to navigate the court in the same ways as advocates and attorneys. Often, the processes as they exist now fail to capture a petitioner’s needs and wants at the earliest stage; someone may have a police report, but not necessarily want to continue with the criminal legal process, or they may be living in a domestic violence shelter and want a divorce, but not necessarily need an EOP or OP as part of that divorce.

## Because so many cases are civil, many people do not have access to attorneys, nor are they guaranteed one through legal aid.

There are a few jurisdictions across the country that stand out for their court-provided support of self-represented litigants:

### WASHINGTON, DC

- The **DC Superior Court**, which hears civil and criminal matters, maintains a family law self-help center with dedicated space within the courthouse.[103] The center is staffed with a receptionist, director, and two paralegals who are court employees. The court staff supervises the volunteers and law students at the self-help center to help people fill out forms, assist with process issues and make referrals. On average, staff spend 15-to-45 minutes with each person and help between 5,000 and 6,000 people a year. Like all self-help center staff, court employees provide referrals to legal aid and other resources if litigants need assistance beyond what staff can ethically or reasonably provide.[104]

### CUYAHOGA COUNTY, OH

- **Cuyahoga County, Ohio** has a Domestic Violence Department within the courthouse staffed with a director, coordinator, two community-based advocates, and a case manager.[105] Court staff are supervised by a court-employed attorney to assist self-

<sup>103</sup> See e.g., <https://www.dccourts.gov/services/family-matters/self-help-center>

<sup>104</sup> Information on the DC Court family law self-help center comes through informal conversations with staff.

<sup>105</sup> See e.g., <https://www.courtinnovation.org/sites/default/files/media/documents/2018-07/cuyahoga.pdf>

represented litigants primarily with forms-based guidance.[106] They provide information about court processes, practices, and procedures, explain options available through the Court, provide notary public services, and review filled-out forms for completeness and adequacy, then follow up to ensure all paperwork is ready for the final hearing. In its first year (2017-2018) the Department helped more than 8,700 people.

## CLEVELAND, OH

- In **Cleveland**, civil Orders of Protection are heard in the Domestic Relations Division. Personnel from the court's Domestic Violence Department meet with petitioners prior to filing for individualized on-site advocacy services and legal in civil protection orders. The specialized docket is staffed by two specially trained hearing officers who handle all domestic violence civil protection order cases. This may include attendance at hearings and referrals to external services.

## HENNEPIN COUNTY, MN

- In **Hennepin County, Minnesota**, which follows the "one family, one judge" integrated model of domestic violence and family law cases (like the Cook County Domestic Violence Division), Domestic Abuse Service Center (DASC) court staff review filings to ensure that family law cases are assigned to the judge who has heard prior domestic violence or family law cases involving the parties. DASC staff services are court-

focused, managing the cases within the integrated model, assisting petitioners and respondents to access coordinated legal and social services necessary for their safety, and connecting families to their Social Early Neutral Evaluation process, an alternate dispute resolution process for parenting disputes.

## BRONX, NY

- Following the 2010 creation of a Task Force to ensure low-income New Yorkers access to legal representation in civil matters involving housing, personal safety, and other basic necessities, New York state courts improved their self-help centers. While counties vary in what staff they employ and what services they offer, as well as the extent to which they partner with legal aid agencies, law schools, or pro bono attorneys, the state courts focus on technology solutions and forms assistance. The **Bronx Family Court** has a designated private room for people to use LawHelp Interactive self-guided forms for Petitions for Orders of Protection. Both pro bono attorneys and court clerks are assigned to this room to review petitions before they are filed for completeness; clerks in the room are available to explain the process, assist in opening a petition, and referral to legal aid.[107]

## STATE OF CALIFORNIA

- The court-based litigant services in **California** are among the most expansive we have seen.[108]

<sup>106</sup> See e.g., [https://domestic.cuyahogacounty.us/pdf\\_domestic/en-US/Press%20Releases/Help%20Center%20Press%20Release%20final.pdf](https://domestic.cuyahogacounty.us/pdf_domestic/en-US/Press%20Releases/Help%20Center%20Press%20Release%20final.pdf)

<sup>107</sup> See e.g., <https://www.connectingjusticecommunities.com/tech-pilot-in-bronx-family-court-dramatically-increases-court-efficiency/2014/02/>

<sup>108</sup> Information on the California FLFA program was gathered pro bono by Kirkland & Ellis (see Appendix 3) and Baker MacKenzie, and staff from Chicago Appleseed and the Chicago Council of Lawyers, through a series of interviews and conversations with court staff in California. Reports of those conversations are available upon request.

In 1996, California passed the Family Law Facilitator Act (FLFA), intended to address issues with access to justice in the domestic relations courts in response to significant increases in the number of litigants unable to afford representation. Each county implements the statute in a manner that serves their court and community, but generally, FLFA offices employ attorneys, paralegals, and other professionals to offer forms assistance, guidance in court processes, and general help in navigating a court case without an attorney. Assistance can be in the form of workshops intended to help litigants walk through the process or through less-intensive forms of instruction. Beyond ensuring that *pro se* filings meet legal standards, attorneys with the FLFA Office assist the court directly by offering help calendaring, explaining procedural rules, and calculating support payments. The expansive services under the FLFA embody the best practices for court-based self-help centers.[109] California’s FLFA Offices are estimated to serve nearly 400,000 persons a year; 82% of their clients earn less than \$2,000 per month, while 67% earn less than \$1,500 per month.

There are a variety of ways that the Cook County DV Division can improve communication between parties in DV cases. Even a modest proposal, based on models outlined above and aimed at high-quality process guidance and forms assistance, would ease burdens on the court and improve litigant outcomes.

## ONGOING TRAUMA-INFORMED TRAINING

Most interviewees mentioned some form of training in their proposed solutions—particularly the need for training to improve trauma-informed practice. Advocates mentioned that the training should be specifically trauma-informed for everyone in the courthouse so that law enforcement, attorneys, and judges could “understand why people are the way they are,” saying that many people have a lack of understanding about trauma.

**Judges were routinely mentioned as lacking appropriate trauma-informed knowledge, but interviewees stressed that one judicial training would not be enough.**

The people we interviewed discussed how regular assessments based on any trauma-informed judicial practice training and ongoing education for these judges would be necessary. Another suggestion was a specific orientation to 555 West Harrison, because people working in this courthouse need to be “very emphatic and knowledgeable and trauma-informed.” Overall, this recommendation permeated the discussions of solutions because, unsurprisingly, the lack of trauma-informed training was often the reason given for many of the failures discussed throughout this report.

<sup>109</sup> See e.g., <https://www.srln.org/system/files/attachments/SRLN%20Best%20Practices%20Guide%20%282008%29.pdf>

# AREAS FOR FURTHER RESEARCH

Several themes arose during our research that we were unable to explore.

These themes, which are important avenues of further investigation, include: Fatality Review Boards; specialty (diversion) courts for accused people; problems with Stalking/No Contact Orders; and issues with the CCSAO.

## FATALITY REVIEW BOARDS

Illinois passed the Domestic Violence Fatality Review Act<sup>[110]</sup> in 2021, which promises enhanced State responsiveness to the needs of people experiencing domestic violence in Illinois. The Act's stated purpose is to "foster systemic reform" to reduce domestic violence fatalities and near-fatalities; address "disparate and discriminatory practices and attitudes in the systems" interacting with DV victims, survivors, and offenders; and reduce overall societal costs caused by domestic violence. The Act creates a Domestic Violence Fatality Review Commission—which will consist of four members of the General Assembly, one appointee by the Governor, and various other members representing public stakeholders – and specifically allows for a regional domestic violence fatality review team to be established within each judicial district throughout the state. While the Act creates some guidelines, there is no real consensus amongst different Fatality Review Boards on the best model or composition, and all jurisdictions in Illinois have yet to create a board.

## PERPETRATOR SERVICES & DIVERSION

Other than in our conversations with members of the Office of the Public Defender, we spoke with few lawyers representing respondents in DV Courts. Still, some interviewees mentioned that services for perpetrators of domestic violence are underutilized. Partner Abuse Intervention Programs (PAIP) are therapeutic interventions that attempt to stop intimate partner violence by helping people take accountability and learn nonviolent, "non-controlling" ways to communicate.<sup>[111]</sup> One attorney whose agency runs a PAIP noted:

*[Our program] has, at this moment, the availability for 45 participants, and I can increase it anytime I want...yet, we don't get the referrals...I don't think it's a lack of programs. I think it's a lack of education about them...and a lack of understanding about the difference between domestic violence and anger management.*

Domestic violence is not an anger problem, it is a power and control problem. Although people who perpetrate domestic violence use anger for manipulation and to instill fear, it is just a tool "to have total power and control in the relationship."<sup>[112]</sup> For this reason, it is extremely important that perpetrators of domestic violence are provided access to resources that address their issues with power

<sup>110</sup> *Id* at 29.

<sup>111</sup> See e.g., <https://www.dhs.state.il.us/page.aspx?item=30276>

<sup>112</sup> See e.g., <https://www.optioninc.org/domestic-violence-is-about-power-and-control/>

and control and are not instead referred to groups aimed to address anger. The issue was also of concern to judges and advocates in our interviews. We heard from both a practitioner and a public defender that the issue is not lack of services for perpetrators, but lack of referral to them:

*I don't think it's a lack of programs. I think it's a lack of education about them...and a lack of understanding about the difference between domestic violence and anger management. [Judges] don't see it as a tool in their toolkit.*

Suggestions for a specialty (or diversion) court to address issues of domestic violence may reflect the advocates' frustrations that existing programs are underutilized. The consolidation of domestic violence proceedings into a single courthouse and unified Division did not create a holistic service model for survivors of domestic violence and their families (even when that includes the person who harmed them), despite the integration of legal and social services at the courthouse. The court's desire<sup>[113]</sup> to pursue interventions and offer alternatives for litigants fits this vision of a comprehensive service model.

## **STALKING/NO CONTACT ORDERS**

Throughout our interviews, some participants discussed how Stalking/No Contact Orders (SNCOs) often clog the domestic violence dockets.<sup>[114]</sup> In Illinois, a person may seek

protection of the court in the form of a Stalking/No Contact Order when there is no relationship between the parties, but the person feels threatened by unwanted and intrusive attention.<sup>[115]</sup> These cases are heard in the Domestic Violence Courthouse despite often having little in common with domestic violence or gender-based violence. The SNCO law has often been used as an alternative for evictions and as a vehicle for managing property or neighbor disputes. Many participants discussed how they add strain to an already under-resourced division. Other advocates were concerned about screening processes at 555 West Harrison, fearing that an attempt to screen "neighbor" or "landlord" disputes from domestic violence issues runs the risk of alienating people and unintentionally putting survivors of gender-based or sexual trauma in harm's way.

## **OFFICE OF THE STATE'S ATTORNEY**

The lack of participation from the Cook County State's Attorney's Office for this report was both a limitation of our research and a key point for further analysis. The State's Attorney's Office routinely was mentioned as a hindrance to effective advocacy and lacking in appropriate training by our interview participants, but without the ability to understand this key, crucial part of the Domestic Violence Courthouse's criminal cases it is difficult to fully understand criminal domestic violence cases.

<sup>113</sup> In an interview, Acting Presiding Judge Judith Rice shared her vision for the Division, which included continuously striving to provide the best services to litigants. Both Presiding Judge Rice and another judge in the Division recognized that, despite this commitment, limited physical space and resources may impede progress."

<sup>114</sup> This issue arose later in our research, and we were unable to fully investigate it but understanding and solving this issue could substantially impact the functioning of the Domestic Violence Courthouse.

<sup>115</sup> See e.g., <https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=3123&ChapterID=57> & <https://www.illinoislegalaid.org/legal-information/getting-no-contact-order-stalking>

# RECOMMENDATIONS.

Everyone interviewed for this analysis expressed that the Domestic Violence Courthouse at 555 West Harrison is critical infrastructure, but that it is lacking in terms of resources and adequate, uniform trauma-informed care. The National Network to End Domestic Violence (NNEDV), which conducts an annual domestic violence “national census” to investigate case volume on a per capita basis, found in 2020 that Illinois DV agencies serve approximately 25 victims per 100,000 residents daily.[116] Clearly, there is a true need for support services to help people dealing with domestic and intimate partner violence in Illinois.

Our jurisdictional survey found that courts tend to provide on-site legal aid and, in many cases, social services to improve case outcomes. A number of jurisdictions, including Cook County, employ a “one family-one judge” model, which manifests slightly differently across courts but attempts to integrate all legal interventions for a single family/social

group under a single judge or unified judicial team. However, as noted, Cook County is unique in organizing a dedicated Domestic Violence Division rather than individually calendaring cases within their criminal or family/domestic relations courts. Interestingly, other jurisdictions have begun to take this unified model as a best practice: in January 2021, for example, North Carolina’s Unified Family Court: Best Practices and Guidelines suggested the goal of creating a combined civil & criminal domestic violence court.[117] This suggests Cook County’s choice of a centralized courthouse and combined civil criminal docket is good practice and the foundation for a strong court. Below, we provide recommendations that expand on ways that the Circuit Court of Cook County’s Domestic Violence Division can improve accessibility, community support and service provision for litigants, communication between all parties, and judicial education and training.

## ACCESSIBILITY

### RECOMMENDATION 1:

### **EXPAND COURT ACCESS BY PROVIDING FLEXIBLE HOURS FOR PEOPLE TO OBTAIN EMERGENCY ORDERS OF PROTECTION.**

Greater access to the court is necessary, but the resources spent to operate 24/7 would be better spent on other services. Our investigation did not reveal a high level of concern for access to the judicial process at night nor on weekends. When discussing the Office of the Chief Judge’s and the Cook County Board’s goal[118] to implement

24-hour access to court for Emergency Orders of Protection, we found some skepticism amongst practitioners and advocates that this may not be the best use of resources for the Division. In our conversations, stakeholders expressed little direct opposition to the concept, but focused mainly on concerns that resources would be diverted from

<sup>116</sup> See e.g., <https://www.ojp.gov/pdffiles1/bja/196945.pdf>

<sup>117</sup> Court Programs and Management Services Division of the North Carolina Administrative Office of the Courts. (2021). “North Carolina’s Unified Family Courts: Best Practices and Guidelines.” Accessible at <http://www.nccourts.org/Citizens/CPrograms/Family/Documents/unifiedfamilycourts-guidelines.pdf>

<sup>118</sup> *Id* at 102.

areas of greater need. Most commonly in our interviews, people stated they would like to see a “high functioning Division during normal court operations” before expanding hours. Advocates and court personnel were more concerned with wait times for same day hearings, as well as delays between filing and acceptance of the petition by the Clerk. Judges, too, expressed concern about being able to hear cases in a timely fashion. As one advocate said:

*I don't think [24-hour access] should be a priority. It's taking almost a full day for in-person orders to be processed and remote orders are being heard into the night. These issues need to be addressed before we think about 24/7 orders.*

Many people expressed that expanding hours will simply amplify existing deficiencies and shift more burden to legal aid. One advocate noted that when remote operations started:

*[The court] relied on a hotline composed of court advocates to assist individuals in requesting Orders of Protections remotely ...I fear that the courthouse itself will not provide the staffing and support needed to implement this policy and instead will rely on nonprofits that do not have the staff or funding to fill in this need.*

One attorney, who was supportive of ongoing remote proceedings because of how much is improved for victims when they do not physically have to go to court, was emphatic that “24/7 is completely unnecessary.” One attorney we spoke with was concerned that late-night hours will encourage misuse of the Stalking/No Contact Orders (SNCO) to evict people without due process (although SNCOs have not, to our knowledge, been included in the 24/7 plan). These issues reiterate some discussion above about the efficacy of SNCOs for landlord-tenant disputes being administered at 555 West Harrison. Because 24-hour access to the court has yet to be implemented, it is impossible at this time to fully assess these concerns, but these community sentiments are important.

We believe that extended court hours, rather than full 24/7 access, may be sufficient to meet the need without requiring as many additional resources for the court, as well as for the agencies that serve petitioners. The Division would benefit greatly from systemized data collection and routine public analysis of the data; any launch of extended court hours and access must be accompanied by usage statistics, community feedback and impact assessments from supporting agencies (see Appendix 5).

## **RECOMMENDATION 2: KEEP REMOTE COURT OPTIONS AVAILABLE BUT ALSO ALLOW IN-PERSON HEARINGS.**

To improve accessibility of the courts and for greater safety of petitioners who do not feel comfortable appearing in physical court with the respondent, some form of optional hybrid court should continue. Full, mandatory remote court proceedings present challenges on litigants, but optional hybrid proceedings have the

potential to reduce some of the strain on both court and legal aid resources and to reduce trauma for petitioners. These findings are supported by interviews with practitioners, our court-watching data, as well as a National Center for State Courts (NCSC) report issued in April, which found that remote proceedings

are hindered by lack of proficiency in technology and create diminished empathy of judges toward litigants.[119] The NCSC found that docket management is more precise with remote hearings and that attendance at family court and criminal hearings were significantly improved; judges began providing divorce litigants with forms prior to the hearings, which resulted in “nearly 90% of the self-represented divorce litigants appear[ing] prepared and ready to resolve their cases,” whereas the figure was 25% for in-person hearings pre-pandemic.

The NCSC study invoked other papers which noted that not only were self-represented litigants more often present at remote hearings, because of the reduced barriers to access, but they were more prepared for the hearings and more engaged in the proceedings. Judges felt this was particularly true in family law proceedings, including domestic violence cases, where litigants felt safer or simply more comfortable not being in the room with the other party and where other interested parties are able to participate. While the NCSC report noted significant benefits from remote proceedings – primarily in scheduling and minimizing logistical hurdles, such as childcare or arranging time off from work—for self-represented litigants – there are access issues that remain. They concluded that remote hearings, on the whole, take up to one-third longer than in-person hearings, largely due to technology issues that arise because of a “digital divide” amongst participants—such as lack of access to high-speed internet, hardware capabilities, and necessary skills for sharing screens or uploading documents.

### **Technological problems are exacerbated when court staff, who are untrained in technology support, are left to resolve issues and must learn as they go.**

Technological problems are exacerbated when court staff, who are untrained in technology support, are left to resolve issues and must learn as they go. Technological proficiency requires a commitment from the Circuit Court to appropriately train staff and judges; if there continues to be a remote court option, there should be some investment in technology support services for court staff as well as litigants. Even two years into remote proceedings, court staff and judges often struggle to administer court hearings over Zoom. Approximately 97% of the observations our court-watchers did were virtual; about two-thirds of the time, these court-watchers noted that the judge did not have their name displayed on the Zoom call. This is a problem because it creates a barrier for litigants to understand the roles and responsibilities of people ‘in the courtroom.’

Our court-watchers reported that court hearings were often “a little scattered, due to the nature of Zoom,” and that “the pace of cases being heard was very fast.” One court-watcher noted:

*The courtroom was slightly chaotic today, there were a lot of Zoom difficulties (people not being able to connect to audio, not changing their display names, not being able to figure out how to unmute). Several parties to the cases were not present today resulting in a lot of skipped [or] dismissed cases.*

119 See e.g., [https://www.ncsc.org/\\_media/\\_imported-ncsc/files/pdf/newsroom/TX-Remote-Hearing-Assessment-Report.pdf](https://www.ncsc.org/_media/_imported-ncsc/files/pdf/newsroom/TX-Remote-Hearing-Assessment-Report.pdf)



Many practitioners noted that when the staff who initially acted as Zoom room coordinators—taking roll calls, placing people into waiting rooms, and managing the flow of litigants in and out of the conference—returned to normal duties, more frequent problems arose in the conferences. One of our court-watchers recalled, “the court coordinator did not let me into the room.” Had this court-

watcher been a petitioner or respondent or legal counsel, this could have resulted in their case being inappropriately dismissed or ruled on in their absence. As hybrid courts continues, it will be necessary to increase staffing support for both remote and in-person proceedings as well as to continually support technological competencies and comfort for all parties.

## COMMUNICATION & SERVICE PROVISION

### RECOMMENDATION 3: INTEGRATE LITIGANT SERVICES BY IMPROVING SCREENING & EVALUATING LITIGANT NEEDS AND POST-LITIGATION CONCERNS.

There are a variety of ways that the Cook County Domestic Violence Division can improve communication between parties in domestic violence cases.

**A theme which emerged in our interviews was the concern that Orders of Protection alone cannot meet the cluster of needs created in this context.**

Our interviews showed a desire for “in-depth triage,” which truly captures the petitioner’s needs at the earliest stage. Many people discussed whether the courthouse could better serve as a triage center for the cluster of remedies – whether legal remedies or service remedies – petitioners need. While extensive examination of this concern is beyond the scope of this report, even a modest proposal aimed at comprehensive triage, high-quality process guidance, and thorough forms assistance would ease burdens on the court and improve litigant outcomes.

People who come into the courthouse, as petitioners and respondents, are screened at the entrance, both by Sheriff’s Deputies prior to passing through metal detectors to enter the courthouse and by staff from the Presiding Judge’s Office before filing their petitions. At present, it appears this is a missed opportunity here to better connect litigants with appropriate remedies and services. Processes immediately available to a petitioner who has walked into the courthouse for help might not necessarily be what they want or may not adequately address related concerns like housing, immigration status, and the well-being of the whole family—including the respondent. A robust initial screening process with good information empowers petitioners, explains the process, and improves outcomes. It better integrates the court into the process of not merely reducing violence but also guarding against the instabilities (economic, housing, immigration, education) associated with exiting a violent relationship.

The Office of the Chief Judge and the Domestic Violence Division Presiding Judge should consider the role the courthouse could play in better meeting the overlapping needs of persons escaping domestic violence. Litigants should be screened on issues beyond an immediate Order of Protection resolution, such as: children in common and need for child support; pending or a desire to proceed with a divorce; prior OPs; immigration issues; housing stability; and needs for social service support. More than one of the non-attorney advocates we interviewed stressed a need for the system to better address – or simply consider – the nonlegal needs of petitioners. One such advocate felt everyone would benefit from a better understanding of, and respect for, the role of the non-attorney advocate: to support and assist the victim facing a complex and sometimes hostile process. With the understanding that the court is not a social service agency and is under-resourced to meet its current caseload, it remains incumbent on the court to understand how its role intersects with social issues and the goals of agencies whose clients access the court as merely one step in escaping violence.

Post-litigation concerns, such as future safety planning, should also be addressed. California’s Safe at Home program, run by the Secretary of State’s office since 1999, offers the same services as part of a safety plan. Enrollment centers for the California program are typically in the prosecutor’s victims’ services offices or independent agencies.[120]

The Illinois Address Confidentiality Program (ACP), which has been run by the Attorney General since 2021, gives survivors a substitute mailing address to use on official documents such as court papers and driver’s licenses and offers a mail-forwarding service for first class mail for up to four years at no cost.[121] Enrollment is effected online at the Illinois Attorney General’s website, which may be a barrier to some survivors; Cook County could integrate enrollment in these services in the DV Courthouse.

Creating the Domestic Violence Division and opening the courthouse was a first, vital step in offering comprehensive services to people experiencing intimate partner violence. Collecting legal resources, legal aid agencies, and court departments into the building together facilitates a community of care but will not create it without continued investment toward that goal.

**Although ultimately beyond the scope of our inquiry, it will benefit the court, the advocacy community and the people experiencing intimate partner violence to consider the screening process from a broad, long-term perspective to ensure petitioners are empowered to make the right decision about how to proceed and have the information they need to evaluate and access additional services.**

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<sup>120</sup> See e.g., <https://www.sos.ca.gov/registries/safe-home>

<sup>121</sup> See 750 ILCS 61/11, [https://illinoisattorneygeneral.gov/pressroom/2021\\_03/20210319.html](https://illinoisattorneygeneral.gov/pressroom/2021_03/20210319.html) & [https://www.wrex.com/news/illinois-law-provides-new-protection-for-victims-of-sexual-assault-and-stalking/article\\_80d782f3-8c99-5e0c-aa94-b706a80133fe.html](https://www.wrex.com/news/illinois-law-provides-new-protection-for-victims-of-sexual-assault-and-stalking/article_80d782f3-8c99-5e0c-aa94-b706a80133fe.html)

## RECOMMENDATION 4: IMPLEMENT A LITIGANT SERVICES COORDINATOR & A HEARING OFFICER PROGRAM IN THE DV DIVISION.

Cook County has excellent partnerships with legal aid agencies but would benefit from adding some court-based, court-administered services for self-represented litigants. Our jurisdictional survey found that partnerships with legal aid and other services are common for courts where domestic violence issues are heard; on-site access to legal aid and other services that are not court-administered is less typical, although still common, and many courts offer court-based, court-administered services to families in the family and family violence courts. The foremost important roles that we believe the DV Court would benefit from are Hearing Officers and a Litigant Services Coordinator.

Attorneys practicing in the Domestic Relations Division that were interviewed for this report commented a little on their role with regard to self-represented litigants, apparently under a specific grant-funded program for a self-represented Litigant Services Coordinator position. Under their ordinary duties, these attorneys' support for self-represented people is limited to developing and sharing self-help resources, connecting them with help desks,

and occasionally answering process questions when a judge has received *ex parte* communication from a litigant. Under the grant-expanded duties, the Division Attorney<sup>[122]</sup> as self-represented litigant coordinator was able to provide one-on-one legal information and referral information and act as a liaison between self-represented litigants and other court staff akin to the position of the Circuit Court of Cook County's Office of Accessibility and Education's Court Disability Coordinator.<sup>[123]</sup> A Litigant Services Coordinator, as proposed by the Office of the Chief Judge (OCJ),<sup>[124]</sup> deploys the successful model explained above by focusing it as much on service to the litigants as on service to the court. We recommend the Court adopt this proposal not simply because it will bring Cook County more in line with best practices, but also because it will help address other issues, such as under-resourcing and case delays, as identified in our interviews.

In addition, we recommend creating a Hearing Officer Program in the Domestic Violence Division as another way to improve communication between the court and

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<sup>122</sup> Duties for Division Attorneys differ between Divisions, according to the management of the Presiding Judge. Division Attorneys for the Domestic Relations Division were interviewed for this project because their role could serve as a model for the Domestic Violence Division. In addition to law clerk, research and writing tasks for individual judges, these Division Attorneys provide case briefings on new or novel issues; create and disseminate resources for self-represented litigants; assist the Presiding Judge in planning judicial seminars and drafting administrative orders for the Division. DR Division Attorneys have in prior years administered grants to the Division to provide direct services to litigants, but it is not a core function of the role. We interviewed current and former Division Attorneys for the project.

<sup>123</sup> See *e.g.*, <https://www.cookcountyclerkofcourt.org/accessibility-and-ada-accommodations#:~:text=If%20you%20are%20seeking%20an,accommodations%40cookcountyil.gov>

<sup>124</sup> *Id* at 75.

self-represented litigants. According to our interviews with judges from both the Domestic Relations and Domestic Violence Divisions, the Domestic Relations Division is transferring a grant to the Domestic Violence Division which provides Health & Family Services (HFS) Administrative Hearing Officers (empowered under Title IV-D of the Social Security Act) to enter child support orders. This is a critical service and an important step to resolving the larger family issues and supporting the needs of persons seeking Orders of Protection. As well-documented<sup>[125]</sup> elsewhere, however, HFS Administrative Hearing Officers are limited to child support, paternity determinations, and parent location services. While the latter two issues rarely present in cases involving Orders of Protection, the need for child support is a common theme in interviews. Under the IDVA, in a civil Order of Protection, the court may address some issues related to children of the relationship, such as child support, child residence, and visitation,<sup>[126]</sup> but when the petition is heard in a division which does not “ordinarily” decide these matters (i.e., the DV Division versus the Domestic Relations Division), the court may decline to address them.<sup>[127]</sup>

Our research shows this discretion has routinely caused difficulties for petitioners, which we believe can be addressed by creating procedures and structures that connect them with immediate paths to resolution for those issues, such as Hearing Officers. Although the Domestic Violence Division has had a Child

Relief Expediter (who is highly-regarded and provides what is considered a critical service to the Division) since 2013, Hearing Officers have a more expansive remit—notably resolving a range of issues related to divorce and parenting.<sup>[128]</sup> The Expediter program was established as a part of the Family Court Enhancement Project (FCEP), a federally-funded grant by the Office on Violence Against Women. FCEP was intended to improve how court systems address child-related relief in cases with domestic violence. The Expediter assists parents with Orders of Protection who, on a voluntary basis, wish to make decisions (such as parenting time, exchange of custody, financial support, etc.) about their children. The process is directed toward agreed orders and may be undertaken in conjunction with Emergency or Plenary Orders of Protection. Once the agreement is signed by both parties, it is entered by a judge and the existing OP is modified; if the parties cannot reach an agreement with the Expediter, parents must seek a judicial hearing for parenting plans or child support. Providing access to Hearing Officers in the Domestic Violence Division could ease the stress on the Child Relief Expediter in OP hearings where the petition needs support or an emergency declaration of custody.

Although the divisional structure (Domestic Violence cases heard in one Division and Domestic Relations cases heard in another) is working for Cook County, judges in each Division are inevitably presented with issues

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<sup>125</sup> See “Solutions rather than Obstacles’ – An evaluation of the Hearing Officer Program in Cook County’s Domestic Relations Court” by Chicago Appleseed Center for Fair Courts & Chicago Council of Lawyers (August 2021): <https://www.chicagoappleseed.org/2021/08/30/solutions-rather-than-obstacles-hearing-officer-program-evaluation/>

<sup>126</sup> *Id* at 60.

<sup>127</sup> *Id* at 61, *see supra* page 19.

<sup>128</sup> *Id* at 125.

usually heard in the other Division. It would be prudent to expand information and services for domestic relations concerns (child support, housing, divorce) at the Domestic Violence Courthouse. Interviewees often expressed that judges in the Domestic Relations Division were more capable of dealing with domestic violence issues than judges in the Domestic Violence Division were capable of dealing with Domestic Relations issues, such as child support and custody. One advocate, while highlighting a lack of judicial training and confidence in handling cases where children are involved, noted that Domestic Relations judges have the option of involving Child Representatives, but Domestic Violence judges do not.

One legal aid attorney noted that petitioners were more likely to continue with a criminal case to the end when “parenting time schedules and child support orders and exceptions to no contact provisions” were included in the OP, but noted a strong reluctance for non-attorney advocates including requests for child support in petitions, because judges often referring them back to Domestic Relations instead:

*[T]hat the criminal and civil cases are in the same building...that's all important. But...it's difficult when there are children involved...[because] what happens is... judges will say, "Okay, so I'm not going to deal with the children on this Order of Protection," which is allowed under the law, "but we're just gonna, you know...send you over to the Domestic Relations Division."*

An advocate noted that “judges get frustrated when Domestic Relations issues are involved,” but emphasized that their agency’s services are holistic (housing, immigration, and many clients are looking for help with a divorce), so they do not only focus on EOPs but on the resolution of all issues. One judge we spoke to identified that some EOP cases seem more akin

to contentious divorces (people who cannot amicably work out shared parenting schedules or shared support responsibilities and need assistance dividing up a household) and these cases would benefit from the Domestic Relations Division approach, rather than a domestic violence framing. One legal aid attorney suggested that rotating judges in from the Domestic Relations Division would have a positive impact on cases where there is a child involved or a custody agreement, and would allow the judges to benefit from cross-training:

*Criminal judges don't feel that they should deal with anything related to domestic policy. So Domestic Relations, Domestic Violence...they don't want to deal with the kids. They don't. They know criminal law...So you have criminal judges doing that [and' you have civil judges doing this....That puts the public in the middle of it, you know, it's really difficult. I think that...there should be an easier way to meld the cases.*

Domestic Violence judges should be better trained on what issues are within their purview during emergency hearings and during plenary hearings, and Domestic Relations judges should continue to receive training in domestic violence issues, including trauma-informed questioning and how to interpret testimony through a trauma-informed perspective. Having a Domestic Relations Hearing Officer assigned to the DV Courthouse one or more days a week, or accessible remotely, would confer a similar benefit. Finally, more than one interviewee noted that petitioners do not always know that if they have a pending Domestic Relations case, they can file for an Order of Protection in front of the judge already assigned to their case. Having a DR Hearing Officer – as well as a Clerk who can cross-flag case files at 555 West Harrison – might help bridge that gap.

## RECOMMENDATION 5:

# HOLD THE CLERK OF THE COURT ACCOUNTABLE TO IMPROVE OPERATIONS IN THE DOMESTIC VIOLENCE DIVISION.

Operational dysfunction is endemic in the Office of the Clerk of the Cook County Circuit Court.<sup>[129]</sup> This dysfunction impacts operations at 555 West Harrison greatly; it is incumbent of Circuit Court stakeholders to pressure and hold accountable the Clerk to improve these deficiencies. While general issues with the Clerk<sup>[130]</sup> are beyond the scope of this report and we were unable to speak with any representatives of the Clerk's Office for this analysis, advocates and attorneys repeatedly raised concerns throughout our research. The Clerk must make efforts to coordinate information and ensure people are able to access their case information and copies of their orders; create a centralized, routine data collection process; and develop some kind of secure document portal for use in hybrid operations.

During pandemic operations, we have heard that petitioners are not receiving signed copies of Emergency Orders of Protection the same day they are entered by the court, which is a statutory requirement. Neither are the orders consistently entered into the Law Enforcement Agencies Data System (LEADS) for service to respondents the same day; Orders of Protection do not take effect until they are served. The Clerk's office continues to take the position that the dispersal of initial EOPs is the responsibility of the Chief Judge's staff.<sup>[131]</sup> The process for remote filing used by persons without attorneys in the pandemic is unwieldy at best.<sup>[132]</sup>

Staff at one agency mentioned that procedures for *pro se* filing are not clearly or obviously explained at the Clerk's website.

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<sup>129</sup> See McGhee, J. (2021). "Circuit Court Clerk Touts Transparency with New Bill. Critics Say It's Not What She Promised." for *Injustice Watch*: <https://www.injusticewatch.org/news/courts/2021/cook-county-clerk-of-court-foia-transparency/#>; Quig, A.D. (2020). "The Next Clerk of the Cook County Courts will Inherit a Mess—but Some Say it's Fixable" for *Crain's Chicago Business*: <https://www.chicagobusiness.com/government/next-clerk-cook-county-courts-will-inherit-mess-some-say-its-fixable>; Bloom, M. (2016). "Trouble in the Clerk's Office" for *South Side Weekly*: <https://southsideweekly.com/trouble-in-the-clerks-office/>; McCraney, P. & Placko, D. (2013). "Cook County Circuit Court Office Promises 'Dramatic' Changes Amid Missing Records 'Crisis'" for *The Huffington Post*: [https://www.huffpost.com/entry/cook-county-clerk-office\\_n\\_4156061](https://www.huffpost.com/entry/cook-county-clerk-office_n_4156061); Drews, K. (n.d.). "Trying Times at Daley Center" for the Better Government Association (BGA): <https://www.bettergov.org/news/trying-times-at-daley-center/>

<sup>130</sup> See reports on the Clerk of the Circuit Court of Cook County from Chicago Appleseed Center for Fair Courts, the Civic Federation, and the Chicago Council of Lawyers at <https://www.chicagoappleseed.org/access-to-justice/#admin>

<sup>131</sup> This information comes from Chicago Appleseed Center for Fair Courts' observations from meetings with the Office of the Chief Judge and domestic/gender-based violence advocates, which are not public. For the OCJ's pandemic general order, see <https://www.cookcountycourt.org/Portals/0/Chief%20Judge/General%20Administrative%20Orders/7-7-2021%20GAO%202020-07,%20amended.pdf>

<sup>132</sup> See Appendix 6 for the process chart outlining the remote filing process throughout the pandemic.

When a petition is rejected, there is no reason given—it may be that the packet of documents is incomplete, out of order, or otherwise noncompliant, but the filer is given no guidance on how to correct the defect. One private attorney repeated these concerns, stating that not only is there “no feedback” on automatically rejected petitions and that they often see petitions rejected, which appear identical to petitions that are accepted. Because this attorney has been unable to get clear guidance from the Office of the Clerk, they have filed multiple versions for the same case almost simultaneously to avoid delay (they note some success with this work-around).

**Interviewees stressed that issues with the Office of the Clerk predate the pandemic and the move to remote operations, with one attorney saying the Clerk’s staff are given priority over survivors’ wellbeing.**

There are significant barriers to information-gathering, information-sharing, and information-tracking connected to accessing and providing services at 555 West Harrison. We heard that judges in the Domestic Violence Division routinely rely on advocates and attorneys who are based in the courthouse for informal staff support with regard to transporting copies of filings and orders. Advocates and petitioners continually report unusual delays at initial filing with regard to calendaring the cases and for scheduling return dates.

Recommendations from the Communications Subcommittee of the new OCJ Committee on the Domestic Violence Court focus on overhauling and maintaining the court’s website, as well as signage and written materials available to persons accessing the court.

We support these recommendations but based on our research and conversations with practitioners it is clear that these efforts would fall short. We recommend generally improved information services for litigants; it is necessary that the Clerk promptly and effectively provide all parties with as much information as possible about how cases work and what services are offered at the courthouse and in the community. Litigants need better communications with regard to case-specific information, as well as services following the conclusion of a case, and judges, attorneys, and advocates need access to and the ability to share information about related cases.

One way the Office of the Clerk can improve integrated communication between parties is by creating a centralized routine data collection process. A common theme in both “one family, one judge” and “specialized judge” model courts for domestic violence (like at 555 West Harrison) is the need to access information about the specific parties in the cases, not just particularized knowledge about domestic violence. The Bureau of Justice Administration also stresses the need for centralized routine information-sharing in problem-solving courts.<sup>[133]</sup> This starts with acknowledging the court’s role in service and case coordination and devising strategies for exchanging information across internal and external boundaries.

Especially during the pandemic, there are often barriers to ensuring petitioners have copies of relevant documents, including judge-signed Orders of Protection. This is unacceptable and must be addressed immediately. We recommend that the Office of the Clerk create a secure document portal, such as those used in patient information systems at health care

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<sup>133</sup> *Id* at 116.

facilities, where litigants can obtain copies of orders, see pending hearing dates, and read courtroom procedures for their cases. The administrative hearing system in Washington State, for example, operates an online “Participant Portal” for people with cases pending through the Office of Administrative Hearings.[134] A person with a case in the system is given instructions on how to create a secure account and is then able to access case information, case documents, and add additional documents through the portal. Audio recordings of hearings are also available at the portal.

Additionally, the OCJ Committee recommends setting up a system to ensure petitions for civil Emergency Orders of Protection concerning

parties with a case currently pending in the Circuit Court be heard by the judge. Based on our research, this recommendation is sound and keeps with emerging “one family, one judge” integrated court model best practices while also addressing local practitioners’ concerns about the reluctance of DV Division judges to “hear another judge’s case.” We recommend data collection – both historical and ongoing – to verify the perceptions underlying the OCJ Committee recommendations regarding divorce cases and Stalking/No Contact Order cases. This would allow the court to approach the petitioner’s needs holistically, either addressing child support or parenting issues simultaneously or by ensuring the petitioner is apprised of next steps to secure hearings on those issues.

## COMMUNITY SUPPORT

### RECOMMENDATION 6:

## FOCUS RESOURCES ON IMPROVED, ONGOING COMMUNITY ENGAGEMENT AND CONNECTION TO NEEDED SERVICES.

Cook County should divert money away from policing and incarceration and toward social services that support legal aid and non-lawyer advocates and improved access to services that are unrelated to the legal system. As discussed above, people experiencing domestic violence do not simply need an Order of Protection to make their problems disappear; they need community-based services that address their needs holistically. During our interviews, this topic was addressed repeatedly by service providers as well as judges. Advocates routinely praised Presiding Judge Rice for her intent to pursue ongoing engagement with the community and advocacy agencies.

Still, these advocates expressed some reservations that similar promises from former Presiding Judge Vega simply created a cycle of organized feedback with no corresponding action.

Before the OCJ convened the Committee on the Domestic Violence Division in 2021, it had been ten years since such a committee had examined Division operations. That is too long a gap. We recommend that a standing committee be convened with a clear mandate and regular reporting to the practitioner and service community. We are in agreement with the Committee on the Domestic Violence Division that the “stakeholder meetings” be

<sup>134</sup> See e.g., <https://oah.wa.gov/Content-Area-Management/Media-Communication-Hub/Manage-My-Case-Information>



populated with representatives of the court, legal aid and pro bono leaders, advocates for survivors of domestic and gender-based violence, private attorneys practicing regularly in this court, the Cook County State's Attorney's Office, the Law Office of the Cook County Public Defender, the Office of the Clerk of the Court, judges' representatives, and other stakeholders as recognized by the court.

As one judge we interviewed acknowledged, some of the recent issues in the Division were related to leadership, but they described the advocacy community as very strong and believed the judiciary wants to be responsive to their input. This judge noted the same cyclical nature of valued input versus ignored input, and felt a formal review schedule for the Division might combat this. Quarterly meetings would allow

stakeholders to aggregate experiences and provide feedback on how the court is meeting the needs of clients while offering the court an opportunity to present its priorities to the community. Open communication will ensure difficulties do not reach crisis levels before the court is willing and able to address them.

Additionally, advocates we interviewed felt that the public would benefit from gaining a better understanding of the courthouse, its services, and all options available to people facing domestic and intimate partner violence. While it is true that other agencies and organizations are better positioned for community education, public awareness, and connecting petitioners with additional necessary services than the court system, it must be an active partner in those efforts.

## RECOMMENDATION 7: **STRENGTHEN LEGAL AID TO REDUCE THE BURDEN OF REPRESENTATION ON PRO BONO ATTORNEYS AND PRO SE LITIGANTS.**

We do not recommend relying on pro bono solutions to meet representation needs; instead, the Circuit Court of Cook County should strengthen its partnerships with legal aid services to support self-represented litigants. In 2012, the OCJ's Committee Report<sup>[135]</sup> expressed satisfaction with the pro bono partnerships it had developed with DePaul University Law School and various law firms, but these had ceased operations before we began this review in 2019.

In 2022, the Office of the Chief Judge (OCJ) recommended<sup>[136]</sup> that the Division "establish and maintain partnerships with local law schools

and law firms to offer volunteer-based services," noting work had already begun on certain programs. If a service is essential, provision of that service cannot rely upon volunteer labor—no matter how formalized or well-designed the structure. Engaging attorneys with pro bono service opportunities is valuable for professional development and clinic work is an excellent opportunity for students; nonetheless, they are inadequate to meet the needs of people who must access the court for safety or dispute resolution. Pro bono solutions must always remain a supplement to available services, not the backbone of service provision.

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<sup>135</sup> *Id* at 55.

<sup>136</sup> *Id* at 75.

# JUDICIAL TRAINING & PRACTICE

## RECOMMENDATION 8:

### **REQUIRE ONGOING JUDICIAL TRAINING TO SUPPORT TRAUMA-INFORMED & CULTURALLY COMPETENT PRACTICE.**

The legal system is inherently traumatizing—especially for people dealing with issues as upsetting as partner- or family-based violence.

**It is absolutely essential that judges are expected and prepared to conduct their courtrooms in a culturally sensitive and trauma-informed manner.**

Again and again in our conversations with practitioners, people expressed intense frustration that judges in the Domestic Violence Division were ill-equipped to engage with traumatized people, routinely misinterpreting petitioner behavior, re-victimizing survivors, and missing important evidence of escalation. This is absolutely unacceptable. These hearings are high-stakes, emotional, and conducted in an under-resourced courthouse. While improving resources and social services, adding more well-trained staff (such as child support Hearing Officers and a Litigant Services Coordinator) would reduce some stress on the court, it is clear that the staff and judges at 555 West Harrison could simply use more training and oversight to ensure they are putting ethical and trauma-informed principles and philosophies to use.

Many people we spoke with communicated, in some way, that 555 West Harrison is “not seen as a desirable post” and “it would be nice” if the judges in the Division “wanted to be there.”

A legal aid attorney reported that judges get “upset with survivors about the way they filled out paperwork and [make] them cry or [make] them feel re-victimized.” Another attorney really stressed what an impact it would have on the system, the practitioners, and the victims if there was real understanding about why victims act the ways they do, what their behavior and attitude in court is in response to, and how the court should, in turn, respond to that behavior:

*It’s just mind boggling how people do not understand what difficulties people have, okay? For example, “this guy just beat me up...nobody paid any attention to my injuries or my fears or my kids, now I’m sleeping in my car, and I can’t say that honestly because someone will take my kids away.”*

A veteran DV attorney spoke about the fundamental judicial failure to acknowledge difficulties presented to litigants simply in the requirement that they be at the courthouse at a specific time and may nonetheless have to wait hours to be heard. Meanwhile, a defense attorney felt that the tone is not set for the presumption of innocence. Trauma-informed practice applies to both sides of the case, and it is imperative that training focus not merely on the urgency in emergency proceedings, but also extend to plenary hearings and associated matters.

A common refrain in our conversations with practitioners was a sense that Domestic Violence Division judges do not undergo sufficient initial training and that ongoing training would ensure cases are handled appropriately with the necessary regard for trauma-informed practices and the unique presentation of experiences and evidence by people who have experienced violence. Lack of judicial training is, in fact, a general complaint across the U.S. with regard to courts handling matters of domestic violence. Only fifteen states and the District of Columbia mandate domestic violence training for at least some judges, with only eleven of those mandating which topics must be covered.[137] Only West Virginia requires annual domestic violence specific training for family court judges. Illinois Supreme Court Rule 908 mandates “experience or training” in “domestic violence issues” for judges hearing division of parental responsibility and parenting time cases, which is a limited and vague mandate. In its materials for courts creating integrated domestic violence courts, the “one family-one judge model,” where all the issues involving a single family are before the same judge, stress judicial training on the dynamics of domestic violence.

The issue with training extends to court interpreters at State’s Attorneys. Interviewees noted that the State’s Attorney 40-hour training is weighed toward rules, legal requirements, and regulations for practice—which is important, but not the full picture; it would make their job “easier, not harder” to better

understand why you see certain behaviors from complaining witnesses in the Domestic Violence Division.

**More than one practitioner found interpreters “hostile” and “ineffective,” and one who works with immigrant populations was concerned that the interpreters are infrequently held accountable for this kind of unethical behavior.**

Advocates expressed concerns about judicial training as a solution to some of the issues experienced by practitioners and petitioners, noting that judges only want to listen to other judges and fail to accept authority from experts outside the judiciary. While we understand this sentiment, we also believe there are ways to help address ineffective and harmful judicial behaviors through education.

In 2021, the UCLA Pritzker Center completed a comprehensive report on the intersection of domestic violence and child welfare.[138] Among its recommendations was increased training for judges, social workers, lawyers, and other court staff along a “specialized domestic violence track,” such as the one that was successfully implemented in dependency (child welfare) court in Lincoln County, Nebraska, where the Presiding Judge has a background of working with people experiencing domestic violence.

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<sup>137</sup> See e.g., <https://ucracegendersonsocialjustice.com/wp-content/uploads/2019/12/judicialtrainingsurveyarticlefinal.pdf>

<sup>138</sup> Pritzker Center for Strengthening Children and Families. (2022). Child Welfare and Domestic Violence: The Report on Intersection and Action. Accessible at [http://publichealth.lacounty.gov/dvcouncil/research/Docs/Pritzker-Domestic-Violence-Report-Endnotes\\_final.pdf](http://publichealth.lacounty.gov/dvcouncil/research/Docs/Pritzker-Domestic-Violence-Report-Endnotes_final.pdf)

## RECOMMENDATION 9: PROVIDE BETTER CASE MANAGEMENT SERVICES TO HELP JUDGES ADMINISTER THEIR COURTROOMS EFFECTIVELY.

**In order to provide the best-case outcomes for litigants, we believe that the Domestic Violence Division should restructure to help support judges with holistic case management procedures.**

We have heard from everyone interviewed that judicial caseloads are untenable, which prevent cases from being processed in a timely manner. While the DV Court does have a Child Relief Expediter this service is “widely insufficient,” one general service provider said: “It’s terrible and no one wants to fund it as far as we can tell.” There are a variety of models to improve court access and assist litigants in other jurisdictions (see *Appendix 3 for details*). We propose providing real guardrails to support judicial case management, like those that have been effective in the Domestic Relations Division, to support the courthouse as a whole. Throughout the twenty-first century, court models have broadly fallen into three categories: (1) the case management model, (2) the community courts model, and (3) the case facilitation model.<sup>[139]</sup>

### CASE MANAGEMENT

- The **Case Management Model** creates structures to assist courts and litigants with the management of their cases. In a case management model, services provided to litigants are administrative; there is no legal assistance and minimal education with regard to rights, responsibilities, or other self-help. This model is of particular utility in cases where there are no attorneys because case managers can fulfill the administrative roles

often undertaken by attorneys and their firms, such as gathering background documentation and managing modification or enforcement of existing orders. The case management model is intended to ease burdens on the courts through improving documentation, monitoring compliance, and ensuring that cases return to the judge only when necessary.

### COMMUNITY COURTS

- The **Community Courts Model** overlaps the Case Management Model in that it is designed to assist courts and litigants in keeping cases organized and moving smoothly. As in the Case Management Model, paraprofessionals manage routine administrative tasks associated with cases on behalf of the court and the litigants. However, the Community Courts Model is more holistic and expansive than simple management of existing cases. The Community Courts model was developed generally in criminal and juvenile courts, but the model is attractive to family courts because community courts create stable relationships between citizens and the justice system through restorative justice, a focus on the individual litigant’s needs, and deployment of community resources and services in resolving disputes. It focuses on coordinating services for families, including collecting information about other court cases (domestic relations and child protection or juvenile cases, for instance) that the parties are involved with.

<sup>139</sup> *Id* at 117.

The Community Courts Model assists dispute resolution through deployment of community resources and services, like job services, family counseling, childcare alternatives, legal aid, and other social services in order to free court resources to focus on uniquely judicial issues. Services are provided both to the court, in the form of case management, and to the litigants in the form of social services. Examples of Family Community Courts operate in Jackson County, Oregon, Jefferson County, Kentucky, and Baltimore City, Maryland. Family Community Courts typically have a family court coordinator, who acts as a resource manager for the court and the litigants and as a liaison with non-court agencies.

solely on judicial issues. Case facilitators are attorneys employed by the courts and their offices provide both basic case management services and comprehensive legal assistance services with settlement assistance. Case management services in a facilitation model include direct assistance to the court through in-court help with calendaring, explaining procedural rules to litigants and calculating support payments as well as making minor adjustments to custody and visitation schedules and drafting orders. Services to litigants include education about rights and responsibilities, as well as legal aid workshops and self-help services.

## CASE FACILITATION

- The **Case Facilitation Model** is the most comprehensive of the three models and is designed to assist the court primarily by assisting litigants. Case facilitators are attorneys employed by the courts and their offices provide both basic case management services and comprehensive legal assistance services with settlement assistance. This model is in use in many counties in California and is more applicable to domestic relations cases than domestic violence cases, although it is useful in the latter context as well. California's Family Law Facilitator Program is a "case facilitation model" in that it is designed both to assist courts and litigants in keeping cases organized and moving smoothly and to coordinate services for families, including collecting information about other court cases (domestic violence or juvenile cases, for instance) in which the parties are involved. Case management services provided to the court free up court resources to focus

The rise in *pro se* family litigation, along with expanding acceptance of nontraditional family structures, creates pressures on domestic courts that are alleviated through a Community Court approach. Dispute resolution in family courts often requires intervention of additional agencies, such as nonjudicial child support enforcement agencies, or provision of social services, such as parenting education, supervised visitation, and domestic violence agencies. Community courts bridge the gap between courts and these services, increasing compliance with court orders and educating litigants about their cases. Case management services in a facilitation model include direct assistance to the court through in-court help calendaring, explaining procedural rules to litigants, as well as education about rights and responsibilities. Across the Circuit Court in Cook County and the rest of Illinois, there is not a standardized role nor title for attorneys employed by the court to serve in a Division.[140]

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<sup>140</sup> To understand the role of attorneys employed by the Circuit Court, we spoke with current and former Division Attorneys in Domestic Relations and Domestic Violence, as well as researched job titles and descriptions in other counties. Requests for job descriptions from OCJ went unfulfilled.

Currently, the DV Division employs a single Division Attorney to assist the Presiding Judge. We recommend that the Domestic Violence Division adapt the position of its Division Attorney to include a roster of duties similar to the Domestic Relations Division Attorneys. In the Domestic Relations Division, the Division Attorneys fill the traditional role of a judicial law clerk, with additional duties to assist operations in the Division. These four attorneys work for all 44 judges in the Domestic Relations Division, researching questions of law, drafting orders or opinions, and doing other typical judicial law clerk tasks. In addition to judicial law clerk tasks and basic administrative duties, the DR Division attorneys also assist in managing self-represented litigants. Primarily that assistance is informational and includes responding to *ex parte* communications with information about court procedures and the impropriety of contacting the judge out of court. Ideally, the DV Division would have more than one Division Attorney for these expanded duties.<sup>[141]</sup> However, even the larger role of DR Division Attorneys is more constrained than the role of court-employed attorneys in other jurisdictions.

Employing attorneys within the court to assist persons without private attorneys – such as with Hearing Officers, as described above – is a common practice across the U.S., particularly in family courts where most domestic violence dockets are seated. Where court employees and attorneys are available to provide case services to self-represented litigants, they relieve significant burdens on the court. In addition to ensuring completed and appropriate pleadings, these attorneys can help litigants set reasonable expectations for their hearings and

better understand when further proceedings will be necessary. They can resolve common issues with service or proof of service without repeated appearances before a judge. They can ensure the court is aware of pending related matters and that litigants understand what they need to do to initiate additional proceedings for something like parenting plans or child support.

If the Domestic Violence Division were to implement an expanded role for its Division Attorneys, the Division Attorneys would assist in the management of cases with self-represented litigants and serve as a limited resource for self-represented litigants in navigating the court process. Private attorneys we interviewed stressed that they are there to clarify the process for people appearing in court, but noted they are often called in to do so when a judge has either been asked for help or when a judge notices a litigant appears to misunderstand a process as it has been explained to them. At this stage, self-represented litigants are often frustrated, feeling that information has been previously withheld and the process is opaque. They can feel ignored or that they are being treated disrespectfully when they attempt to contact the judge for clarification or more information and the judge is unable to respond. A Division Attorney can handle such *ex parte* communication to a limited extent—explaining why it is improper for the judge to respond and working to explain an existing order in the case or clarifying next steps in the case. While duties such as calculating support payments, making minor adjustments to custody and visitation schedules, and drafting orders or facilitating settlements would be left to the Hearing Officers, Division Attorneys would be well-placed to lead legal aid workshops and assist

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<sup>141</sup> There are currently 11 judges assigned to 555 West Harrison and 3 judges assigned to the branch courts. See <https://www.cookcountycourt.org/ABOUT-THE-COURT/County-Department/Domestic-Violence/Judges-Information>

*pro se* litigants with drafting documents under a limited scope interaction focused on generating complete and meaningful petitions.

**In this context, Division Attorneys can connect litigants to self-help services, to legal aid, and even to social services where necessary.**

This latter task is a critical function in modern courts, which are increasingly involved in solving the social problems entangled within the legal ones. As often came up in practitioner interviews, people seeking EOPs or other court interventions have a range of needs which must be addressed to keep them safe, but which cannot be addressed in an Emergency Order of Protection alone. While some of these needs (safe exchange plans for childcare, for example) can be addressed in court proceedings, not all can. Creating routine and consistent referral mechanisms will benefit the court by reducing the need for judges to find resources on the spot; more importantly, it benefits litigants by helping them meet larger needs and by recognizing that an EOP alone, or even a Plenary Order of Protection, is only the beginning of creating safety for people in need.

In addition to speaking directly with self-represented litigants to clarify procedural steps, Division Attorneys work to ensure information for them is consistent across the Division, stepping in to coordinate changes in documentation from the Clerk's office, as well, when necessary. To this goal of clear procedural guidance, Division Attorneys draft documents. One Domestic Relations Division Attorney we spoke to noted that confusion arises for

self-represented litigants when a violation of a civil OP leads to criminal proceedings, and that while advocates are available to assist, Division Attorneys would be very well suited to clarifying the process and helping litigants move from one set of procedures and expectations to another.

Employing Division Attorneys in this holistic division-wide manner would strengthen the Domestic Violence Division by expanding resources available to all thirteen judges in the Division. Under an AOIC grant, Domestic Relations Division Attorneys acted as coordinators for self-represented litigants and drafted information sheets to help litigants with common issues.[142] While this is a critical function, we hope this will be addressed by Litigant Services Coordinators. However, if the Litigant Services Associates are not brought into the Domestic Violence Division, we hope the DV Division will explore the option of using Division Attorneys as coordinators. Division Attorneys can ensure judges always have up-to-date legal information, relieve some of the pressures in self-represented cases, and improve the relationship of the Division to the community it serves and the advocates who work within the community.

It is important that these programs are designed with clear delineation of responsibility for staff and even clearer documentation for litigants that precisely communicate the relationship created between court-employed attorneys and self-represented litigants, as well as identify the limits in time and advice of the relationship.

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<sup>142</sup> This information is from an interview with a Division Attorney discussing an Administrative Office of the Illinois Court grant for a Self-Represented Litigant Coordinator in the Domestic Relations Division from approximately 2016 to 2019.

# CONCLUSION.

The Cook County Domestic Violence Division is critical and its organization, including the courthouse at 555 West Harrison, well-serves its function. However, there are a variety of systemic issues that create unnecessary barriers for litigants who need to access the courts. Whether or not an individual will have a fair experience in the courthouse is greatly subject to chance and the risks of poor, inequitable outcomes exacerbate existing social inequalities. While it is clear that resources are stretched in the Division, there are a variety of additional themes running through our interviews, committee meetings, and court-watching observation, including: insufficient domestic and sexual violence training for judges and State's Attorneys, incompetent and unaccountable interpreters, issues with Clerk's Office's opaque processes, and failures to treat the needs of the litigants holistically. We strongly recommend that the Circuit Court of Cook County take note of these problems and address them by increasing community-based support, making structural improvements in training and court staffing, and developing a process for transparency and accountability of various system offices. The decision to seat Orders of Protections and other cases under the IDVA within a Domestic Violence Division in a dedicated courthouse has generally improved safety and provision of services. Since the opening of the courthouse and the founding of the Division, physical safety of litigants, court personnel, staff, and advocates has been a primary concern 555 West Harrison, but our research shows that advocates and staff generally feel safe in the building; case management, service coordination, and trauma-informed practice must now take a larger focus.

Our interviews raised concerns that the Domestic Violence Division is not operating effectively or fairly and remains severely under-resourced. Advocates, attorneys, and court personnel alike have concerns that existing procedures are inadequate to ensure petitioners and respondents receive appropriate interventions and are connected with the range of necessary services.

Services in the County are inadequate to meet the needs, both with regard to legal representation and social services to assist people who are leaving unsafe situations at home. Nonetheless, interviewees expressed optimism about new leadership for the Domestic Violence Division and felt that, in order for the Division to function well, there must be continued oversight and ongoing openness to hear and address community concerns about operations in the Division. The last six months have shown swift response to community input, but the court must guard against a return to inaction in the face of feedback. According to the Bureau of Justice Administration, the Office on Violence Against Women, and the Center for Court Innovation—which have been observing specialized court collaborations with service communities—domestic violence courts are most successful when there is a significant effort toward case management and service coordination.[143] The Court needs routine self-maintenance to promote fairness and efficacy, and ongoing, meaningful communication – which creates continued improvement and process change – to best assist litigants.

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<sup>143</sup> Keilitz, S. (2004). Specialization of Domestic Violence Case Management in the Courts: A National Survey. For the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice. NCJ 199724. Accessible at <https://www.ojp.gov/pdffiles1/nij/199724.pdf> & Mazur, R. & Aldrich, L. (2003). What Makes a Domestic Violence Court Work? Lessons from New York. American Bar Association Judges' Journal 2(42) Accessible at <https://www.supremecourt.ohio.gov/JCS/domesticViolence/topics/DVCourts/whatMakesDVCourtWork.pdf>



# APPENDICES.

## APPENDIX 1

### SUMMARY OF SOCIAL SUPPORT AGENCIES DOMESTIC/GENDER-BASED VIOLENCE

The list includes most (but not necessarily all) organizations that provide legal aid, social services, shelter, non-attorney advocacy, and/or safe exchange of children and supervised visitation to domestic violence/gender-based violence survivors in Cook County and surrounding areas.

## APPENDIX 2

### COMPARISON OF KINDS OF ORDERS OF PROTECTION IN ILLINOIS

The summary includes a comparison of Civil Orders of Protection under the Illinois Domestic Violence Act (IDVA) and Criminal Protective Orders under the Code of Criminal Procedure.

## APPENDIX 3

### JURISDICTIONAL RESEARCH

Kirkland & Ellis LLP provided pro bono research into jurisdictions across the U.S., that have instituted integrated or wrap-around services and dedicated courthouse models for domestic violence cases.

## APPENDIX 4

### CHICAGO APPLESEED CENTER FOR FAIR COURTS DV COURT-WATCHING PROTOCOL

Protocol for Chicago Appleseed Center for Fair Courts' court-watchers who observed the Cook County Domestic Violence Division (First Municipal and Branch Courts) from February 7 through March 30, 2022.

## APPENDIX 5

### RECOMMENDATIONS FOR COLLECTION & PUBLICATION OF QUANTITATIVE DATA

Chicago Appleseed Center for Fair Courts offered this memo on quantitative data for public use to the Domestic Violence Division of the Circuit Court of Cook County along with a request for data.

## APPENDIX 6

### PROCESS MAP FOR REMOTE ORDERS

The remote process map, which was constructed with the assistance of Legal Aid Chicago and the Legal Aid Society of Metropolitan Family Services, provides an outline of obtaining Orders of Protection.

## APPENDIX 1: Social Support Agencies for Domestic/Gender-Based Violence

*The list below includes most (but not necessarily all) organizations that provide services to domestic violence/gender-based violence survivors in Cook County and some offer services to survivors in the collar counties and elsewhere in Illinois. These include organizations providing legal aid, social services, shelter, non-attorney advocacy, and/or safe exchange of children and supervised visitation.*

### Legal Aid and/or Policy Advocacy

- Arab American Family Services 🏠
- Ascend Justice
- Chicago Alliance Against Exploitation (CAASE) 🏠
- Greater Chicago Legal Clinic
- John Marshall (now University of Illinois at Chicago) Law School operated a Domestic Violence Clinical Advocacy Program (DVCAP) until at least 2020.
- Legal Aid Chicago
- Legal Aid Society of Metropolitan Family Services
- Life-Span Center for Legal Services and Advocacy 🏠
- Love + Protect (defense for criminalized survivors) 🏠
- The Network: Advocating Against Domestic Violence (The Network)\*

### Social/Therapeutic Services and Non-Attorney Advocacy

- Anew † ✕<sup>+</sup>
- Apna Ghar 🏠 ^
- Between Friends †
- Center on Halsted 🏠
- Connections for Abused Women and Their Children 🏠 ✕
- Constance Morris House † ✕<sup>+</sup>
- Crisis Center for South Suburbia † ✕<sup>+</sup>
- Family Rescue †
- Gretchen S. Vapnar Community Crisis Center † ✕<sup>+</sup>
- Healthcare Alliance Systems' BASTA! Domestic Violence Program 🏠
- Howard Area Community Center †
- KAN-WIN 🏠 ✕<sup>+</sup>
- Metropolitan Family Services † ^
- Mujeres Latinas en Acción 🏠 ^
- Neapolitan Lighthouse † ✕<sup>+</sup>
- Pillars Community Health † ✕<sup>+</sup>
- Resilience †
- Sarah's Inn 🏠 ✕<sup>+</sup>
- SHALVA 🏠 ✕<sup>+</sup>
- YWCA (Chicago Affiliates)) 🏠
- YWCA (Evanston/Northshores) 🏠 † ✕<sup>+</sup>

### Social/Therapeutic Services (only)

- ALSO Safe Streets Chicago
- Brand Family Institute ^
- Catholic Charities
- Chicago Hearing Society
- Family Horizons
- House of the Good Shepherd's Pathways to Peace Program ✕
- Rainbow House ✕
- The Dreamcatcher Foundation ✕
- The Resurrection Project's HOPE Family Services Program
- The WINGS Program ✕
- Women's Justice Institute's Reclamation Project (focusing on incarcerated survivors) † 🏠

🏠 Services focus primarily or exclusively on a specific population based on identity.

† Services focus primarily or exclusively on a specific population based on location.

🏠 Organization also provides social/therapeutic services and/or non-attorney advocacy.

✕ Organization provides shelter.

\* Organization provides a hotline.

^ Organization offers a safe exchange/supervision sites for families with children.

## APPENDIX 2: Comparison of Orders of Protection in Illinois

### Civil Orders of Protection under the Illinois Domestic Violence Act

750 Ill. Comp. Stat. § 60/et seq.

If a court finds that a family or household member has abused the petitioner for an order of protection, then an order shall issue. There are three classes of civil orders: emergency, interim, and plenary. All such orders can include the same remedies, including prohibiting of abuse, neglect, or exploitation; granting exclusive possession of a shared residence; a stay away order; counseling; child custody and related matters; prohibiting firearm possession, and other remedies. 750 Ill. Comp. Stat. § 60/214(a-b).

#### Emergency

Courts shall issue emergency orders of protection when the harm that the order seeks to prevent would be likely to occur if the respondent received notice.

Emergency orders cannot include certain remedies: counseling, legal custody, and payment of support or compensation. Emergency orders are sealed until the respondent is served. The Act also provides certain provisions to facilitate granting emergency orders when the court is closed. *Id.* § 60/217.

Emergency orders are effective for between 14 and 21 days. *Id.* § 60/220.

#### Interim

Interim orders of protection are issued when the petitioner has served (or is diligently attempting to serve) notice of the hearing for the order on the respondent. If the respondent has actually been served, there are no limits on available remedies; otherwise, the same restrictions on remedies apply as with emergency orders. *Id.* § 60/218.

Interim orders are effective for up to 30 days. *Id.* § 60/220.

#### Plenary

Plenary orders of protection are available if the petitioner has actually been served and do not have any limitations on available remedies. *Id.* § 60/219.

Plenary orders under the Act are valid for up to two years but can be extended. Plenary orders in other civil cases last until the entry of final judgment in that case, if the order was entered as preliminary relief, and can continue indefinitely if incorporated into the final judgment. *Id.* § 60/220.

## Criminal Protective Orders under the Code of Criminal Procedure

725 Ill. Comp. Stat. § 5/112A et seq.

Courts shall enter a protective order if they find that a prima facie case has been made that a crime involving domestic violence, stalking, or a sexual offense has been committed. Respondents can rebut this prima facie showing by presenting a meritorious defense. 725 Ill. Comp. Stat. § 5/112A-11.5.

### Civil No Contact Order

Civil no contact orders can prohibit respondents from coming within a specified distance of the petitioner; can ban the respondent from having any direct or indirect contact with the petitioner; can ban the respondent from coming within a specified distance of certain locations and property; and grant other necessary injunctive relief. *Id.* § 112A-14.5.

### Stalking No Contact Order

Stalking no contact orders can prohibit respondents from stalking or threatening to do so; ban respondents from contact with petitioners and from coming within specified distances of certain locations; ban respondents from possessing firearms; and grant other necessary injunctive relief. *Id.* § 112A-14.7.

### Ex Parte Orders

All three types of criminal protective orders can be granted ex parte (without notice to the respondent) on an expedited basis upon showing good cause that giving notice would be likely to cause the harm the order seeks to remedy. Ex parte orders remain in effect until the court considers a request for a final protective order after notice or the court enters a final protective order. *Id.* § 112A-17.5.

### Final Orders

Final protective orders for all three types of criminal protective orders are entered after notice and have varying durations depending on circumstances but may be extended if required. If the order was entered pre-trial, until disposition of the charge, or, if the case is continued as a separate cause of action, up to 2 years. For 2 years after the expiration of imprisonment, conditional discharge, probation, parole, or supervised release. Permanent for stalking orders and civil no contact orders if the respondent is convicted of stalking or certain sex offenses. *Id.* § 112A-20.

## APPENDIX 3: Jurisdictional Research by Kirkland & Ellis

*To assist Chicago Appleseed Center for Fair Courts and the Chicago Council of Lawyers in our evaluation of the effectiveness of the Chicago Domestic Violence Courthouse at 555 West Harrison in Chicago, Kirkland & Ellis LLP provided pro bono research into jurisdictions across the United States, including those that have instituted similar integrated or wrap-around services and dedicated courthouse models for domestic violence cases and other contexts.*

The first set of jurisdictions that Kirkland & Ellis provided research for (which can be found at <https://www.chicagoappleseed.org/wp-content/uploads/2022/07/APPENDIX-3a-Jurisdictional-Research-by-Kirkland-Ellis-DV-Report-2022.pdf>) was submitted to us in October of 2021, including:

- Charlotte, NC
- Dallas County, TX
- Detroit, MI
- Ft. Worth, TX
- Hennepin County, MI
- Indianapolis, IN
- Juneau, AK
- Los Angeles, CA
- San Antonio, TX
- San Diego, CA
- San Francisco, CA

The second set of jurisdictions that Kirkland & Ellis provided research for (which can be found at <https://www.chicagoappleseed.org/wp-content/uploads/2022/07/APPENDIX-3b-Jurisdictional-Research-by-Kirkland-Ellis-DV-Report-2022.pdf>) was submitted to us in January of 2022, including:

- Austin, TX
- Baltimore, MD
- Boston, MA
- Brooklyn, NY
- Cleveland, OH
- Columbus, OH
- Denver, CO
- Houston, TX
- Jacksonville, FL
- Memphis, TN
- Philadelphia, PA
- Juneau, AK
- Phoenix, AZ

## APPENDIX 4: Chicago Appleseed Center for Fair Courts Domestic Violence Court-Watching Protocol

**PROJECT:** Cook County Domestic Violence Division Evaluation  
**DIVISION:** Domestic Violence Division (First Municipal and Branch Courts)  
**DATES:** Observations from February 7, 2022 through March 30, 2022  
**TRAINING:** Court-watchers were trained on January 18, 2022.

Purpose of Court-Watching | Court-watchers observe the *atmosphere, culture, and character* of the courtroom to understand how judges influence the environment - not to examine details of the specific cases called or quality of any legal decisions made in court.

Background Information and Context | Court-watchers are given a glossary of courtroom roles and terms; resources on microaggressions, bias, and procedural justice theories; and an overview of the Illinois State Judicial Circuits, the process of state judicial elections and retention, and an overview of the Cook County Circuit Court, including Departments/Divisions specific to the Domestic Violence Division Evaluation:

- *Domestic Violence (DV) Division (555 West Harrison Street, Chicago)* - The DV Division handles civil orders of protection and no contact orders, criminal DV actions (misdemeanors, Class 4 felonies, preliminary hearings or indictments up to a Class 1, 2, or 3 felony), aggravated stalking, and stalking no contact orders.

Volunteer Responsibilities | Volunteers sign up to court-watch at [ChicagoAppleseed.org/Get-Involved/](https://ChicagoAppleseed.org/Get-Involved/). Anyone can be a court-watcher; volunteers must complete a one-hour training with Chicago Appleseed Center for Fair Courts' staff before beginning to collect data. Court-watchers observe court and complete an online survey (paper copies available upon request) to examine procedural fairness, judicial temperament and bias, and court management.

- *Volunteer time commitment:* Volunteers may complete as many observations as they would like in addition to the minimum requirements, which include (a) three one-hour sessions in the same courtroom on different days, or (b) one full court call (typically lasting from 9:00 AM to noon or 1:30 PM to 4:30 PM).

Process for Virtual Court-Watching | After completing the training and receiving the schedule (judges and courtrooms to observe):

1. Before court, volunteers review (a) the survey form and (b) the campaign website of the judge(s) being observed so they know what/who to watch. Court-watchers start observing court at the beginning of the call, around 9:00 or 9:30 AM, and – to the extent possible – continue until the end of the call.
  2. Volunteers change their display name on Zoom to read “Chicago Appleseed Court-Watcher: [NAME]” or “Member of the Public.” Volunteers may begin court-watching with their camera off, but judges differ on their requirements for virtual court and may require cameras to be on.
  3. Find the courtroom of the judge you are scheduled to observe on the Circuit Court’s website: <https://www.cookcountycourt.org/HOME/Zoom-Links>. Do not record any video or audio of the court session; it is illegal.
  4. Collect data by filling out the survey during and directly following their court observations. The link to the survey form is sent to court-watchers electronically through email, with paper copies available upon request.
- Data Collection Form | Survey respondents will be given statements pertaining to each topic of judicial behavior and are asked to respond with a rank of 0 (Strongly Disagree), 1 (Disagree), 2 (Unsure), 3 (Agree), or 4 (Strongly Agree). Respondents are encouraged to explain their reasoning for each rating they give via an “explanation” section after each question. For follow-up purposes, the data collection form asks court-watchers for their names and contact information. All of this information is kept confidential.

## APPENDIX 5: Recommendations for Collection and Publication of Data

*Chicago Appleseed Center for Fair Courts offered the following memo on quantitative data for public use, along with a request for data from the Domestic Violence Division of the Circuit Court of Cook County.*

### Data Collection and Distribution

Public records ought to be truly public. Much of the information requested in this document is already theoretically traceable through normal court documents. However, it is functionally inaccessible due to the procedure for request. From the quarterly [Illinois Circuit Court Statistical Report](#), we know that cases are counted and broken down by category (in the case of the Domestic Relations division, for example, this is broken down by adoption, dissolution, family, and order of protection). Existing court records could fill in many of the gaps. The Clerk's office should endeavor to be aggregating and publishing this data freely (i.e. not behind a public *or* private paywall) because these records are public and ought to be readily and freely available for public inspection.

The current process for obtaining court records and data in the Cook County Circuit Court is to submit requests in writing to the Chief Judge where, if approved, the request will be directed to the Clerk to process. This may take months and the Clerk may charge a fee. The Clerk's website lacks substantive information on this process. Chicago Appleseed has [noted elsewhere](#) that this process is a problem for the advancement of justice because it hides necessary information about the operations of the courts behind an unnecessary paywall. This process is prohibitively slow, prohibitively expensive, and prohibitively opaque.

We recommend, as an ordinary function of the Clerk, the creation and maintenance of a free, public-facing data portal where the following information is updated daily or weekly as raw data. I would also recommend publishing all court documents/transcripts as an ordinary functioning of the Clerk. Theoretically, this could be done in lieu of the cleaning of the data in the categories mentioned here. Nearly everything mentioned in the rest of this document is technically extractable from those documents via natural language processing; this is with the exception of surveys.

### Litigant Information

The courts should collect and publish basic socio-demographic information about litigants. This includes race, gender, employment status, and income of litigants as well as whether they have formal representation. It would be helpful to know litigants' history with the courts in order to control for and better understand the interaction with, for example, criminal history but this could reasonably be unduly prohibitive. Where appropriate, such as with some child support and domestic violence cases, this should also include an annotation of State's Attorney's office involvement. Outside of the Domestic Relations Division, this would include size of class and corporate entity where appropriate. This is the only thing that I would add to a list of desired data for civil courts, generally.

This information is needed in the aggregate in order to understand systemic patterns and practices within the court system. Knowing who the court is serving is important on its own. However, this information is also important because it is necessary to do comparative work: for example, answering the question of

who is most likely to be self-represented. And this data needs to be compared to other data mentioned here: how does the representational and socio-demographic data here map on to other trends?

### Structural Features of the Cases

Court data should be presented such that the following information is readily available: time from filing to disposition, number of hearings per case, courtroom (and judge), and whether any trials are bench or jury trials. It would be helpful to know the demographics of the jury but this could reasonably be unduly prohibitive. This is integral for understanding what parts of the system are working more or less efficiently, for what reasons, and for whom. Types of cases that take longer might need more resources and support and knowing overall statistics about civil cases would be a helpful starting point and valuable complement to qualitative data for identifying those needs.

### Remedies and Enforcement

Finally, a public dataset needs to include information on finances, remedies, and enforcement. It would be interesting to know remedies pled for versus awarded but that could reasonably be unduly prohibitive. This includes money paid to the court or state from each case: either from attendant fines and fees or child support payments awarded to the state (compared to that awarded to the custodial parent). It should note how and when the court deploys enforcement mechanisms, in the instance of child support payments or violated orders of protection, for example.

This does not tell the full story of whether the court system is working for the people it is meant to serve but it does provide valuable information on how and when and against/for whom the court exerts its power. For that reason, it's integral that this information not be processed independently from the socio-demographic information requested above.

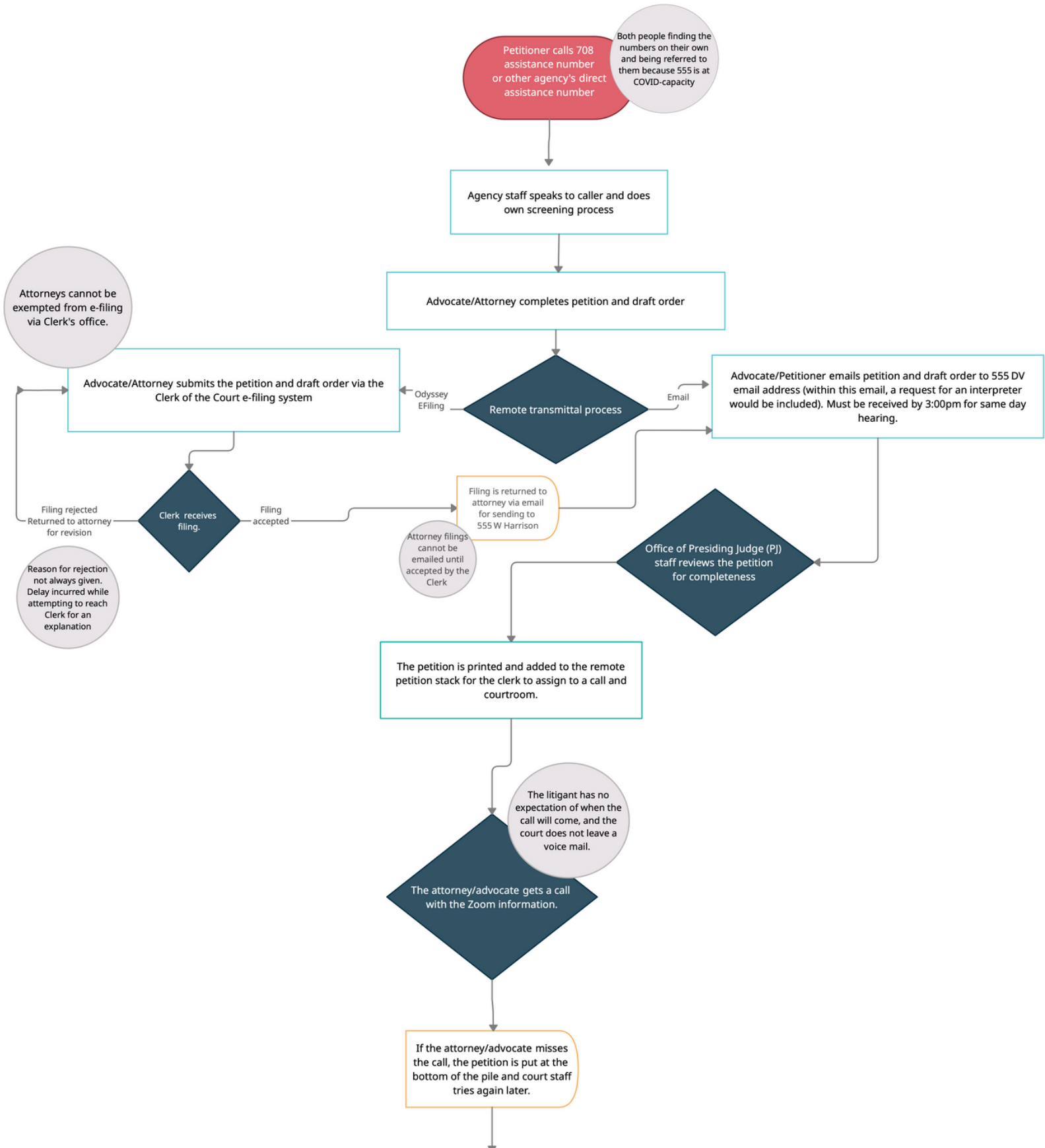
### Litigant Experience

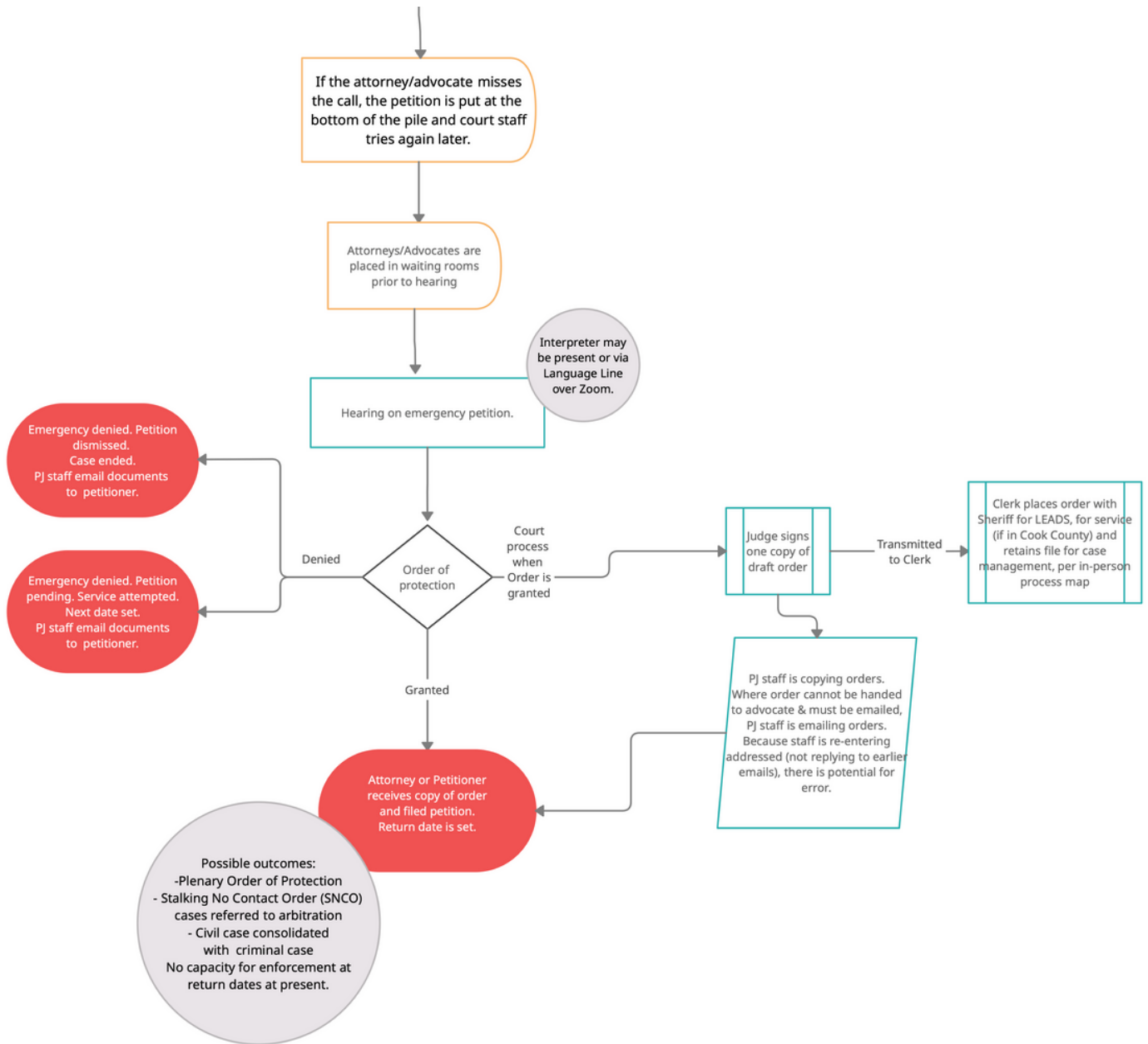
The routine administration of litigant surveys would complete the data picture. Litigants should be routinely asked about their experience in the court and asked about their perceptions of their own treatment, whether they felt listened to, whether they felt involved in the process. This surveying should be an ordinary part of the Clerk's functioning but the surveys should be collaboratively developed and shared. This is the one part of the process that cannot be adequately captured via a different method: how a litigant experienced the court.



## APPENDIX 6: Remote Order of Protection Process Chart

*This remote process map, which was constructed with the assistance of Legal Aid Chicago and the Legal Aid Society of Metropolitan Family Services, provides an outline of obtaining Orders of Protection.*





If the attorney/advocate misses the call, the petition is put at the bottom of the pile and court staff tries again later.

Attorneys/Advocates are placed in waiting rooms prior to hearing

Interpreter may be present or via Language Line over Zoom.

Hearing on emergency petition.

Emergency denied. Petition dismissed. Case ended. PJ staff email documents to petitioner.

Emergency denied. Petition pending. Service attempted. Next date set. PJ staff email documents to petitioner.

Order of protection

Court process when Order is granted

Judge signs one copy of draft order

Transmitted to Clerk

Clerk places order with Sheriff for LEADS, for service (if in Cook County) and retains file for case management, per in-person process map

Granted

Attorney or Petitioner receives copy of order and filed petition. Return date is set.

PJ staff is copying orders. Where order cannot be handed to advocate & must be emailed, PJ staff is emailing orders. Because staff is re-entering address (not replying to earlier emails), there is potential for error.

Possible outcomes:  
 -Plenary Order of Protection  
 - Stalking No Contact Order (SNCO) cases referred to arbitration  
 - Civil case consolidated with criminal case  
 No capacity for enforcement at return dates at present.

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*Chicago's public interest bar association*