



# Cook County

## Site Profile



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# The Family Court Enhancement Project

The Family Court Enhancement Project (FCEP), an initiative funded by the U.S. Department of Justice, Office on Violence Against Women (OVW), is a multi-year demonstration initiative designed to build the capacity of court systems and partner stakeholders to improve child custody decision-making in cases involving domestic violence. Four project sites have engaged in assessing and strengthening their response to domestic violence in custody cases: Cook County, Illinois (Chicago), the State of Delaware (all three counties), Hennepin County, Minnesota (Minneapolis), and Multnomah County, Oregon (Portland).

The National Council of Juvenile and Family Court Judges (NCJFCJ) is responsible for coordinating technical assistance (TA) provision to the four sites through dedicated TA teams composed of representatives from each of the project's National Partner organizations: the NCJFCJ, the Center for Court Innovation (CCI), the Battered Women's Justice Project (BWJP), and OVW. Specifically, TA teams are helping these court systems determine how their procedures, practices, and structures related to custody and parenting time can reduce further violence and trauma and enhance victim and child resilience and well-being.

The FCEP enabled the project sites to explore, implement, and assess new and innovative court and non-court procedures and practices designed to improve custody and parenting time decision-making and overcome existing barriers identified during the assessment phase of the project. One important objective of the FCEP, as a demonstration initiative, is to share lessons learned and experiences and outcomes with other communities so that they can benefit from the focused work at each project site.

This document is one of four site profiles, summarizing the challenges identified by each site, the activities designed to address those challenges, and the impact the FCEP has had on each community.

## Development Questions

**1 Please provide a short description of your court, including any relevant statistics, descriptions of your previous handling of domestic violence cases, data, number and type of cases, etc.**

The Circuit Court of Cook County of the State of Illinois is the largest of the 23 judicial circuits in Illinois and one of the largest unified court systems in the nation. Serving the 5.2 million residents of Cook County (Chicago and 126 surrounding suburbs), more than 400 judges hear more than 1.2 million cases filed each year. For more than three decades in Chicago, domestic violence (DV) criminal cases and their accompanying civil protective orders (OPs) have been heard in a specialized DV court, what is now the Domestic Violence Division (DVD). These cases are between parties having a “family or household” relationship, as defined by the Illinois Domestic Violence Act (IDVA). The IDVA also provides that OPs can be sought in conjunction with an underlying domestic relations case (e.g., divorce, custody, paternity, child support) and those matters fall under the Domestic Relations Division (DRD). In addition petitions for OPs can be filed independent of a criminal or domestic relations proceeding as a stand-alone matter. Regardless of the venue for the petition, the remedies available, emergency access, and the enforcement of violations are the same.<sup>1</sup>

In 2015, the DVD heard 17,559 criminal cases which included 5,606 OPs (68% from Chicago). There were 8,990 civil independent OP

cases (70% from Chicago) processed in 2015. There were 686 OP cases filed in the DVD in Chicago (not the suburbs) which were heard as EOPS and transferred and consolidated with a domestic relations case---227 with a divorce case (past or pending) and 459 with a parentage case (past or pending).

Domestic violence agencies are housed within each of the 6 courthouses that hear DVD cases and are integral to the protocols and functioning of the DVD. In Chicago, there are specialized DV victim-witness personnel, employed by the State's Attorney's Office, assisting the prosecutors in completing the petitions for the civil OPs heard in conjunction with criminal cases. On the civil side, the non-profit Domestic Violence Legal Clinic (DVLC), housed in the courthouse, employs attorneys who assist victims with civil orders of protection. Other OVW-funded civil legal service providers appear in the DVD representing clients as well. Two DV Advocacy programs are housed on-site and other DV agencies have advocates who work in the building with their clients every day. Advocates assist victims in criminal and civil courtrooms. Due to the high volume of self-represented litigants and the limited service capacity of existing advocates and attorneys to meet the need in the civil court, the DVD reached out to 20 major law firms and developed a pro bono program which operates on a daily basis to assist pro se litigants requesting independent OPs as well as the DePaul University Law

<sup>1</sup> The IDVA includes an extensive and comprehensive list of available remedies including the granting of exclusive possession of a residence on an emergency basis; naming children as parties in need of protection under the petitioner's OP; the award of physical care and possession of children in common with the respondent/abuser on an emergency, ex parte basis; addressing visitation on the emergency OP; preventing the removal of children from the jurisdiction; ordering the return of children not in the possession of the petitioner; restricting access to children's school records; and the award of temporary legal custody and visitation and/or child support on a plenary (2-year duration ) OP where notice has been given to the respondent.

School which is also present on a daily basis offering law students the opportunity to assist pro se litigants in the filing of petitions. Currently DVLC mentors the pro bono lawyers and supervises law students' work as victims are linked to these programs for assistance in petitioning for OPs.

Before the FCEP, the coordinated community response Stakeholders Group for the DVD indicated a desire to ensure access to the child-related remedies was possible in both criminal and independent civil orders of protection. To summarize, the identified pre-award challenges were:

- Victims who wanted the other parent to continue to have contact with children were not always provided that opportunity. The court was often concluding that unless the victim indicated the need for a no contact/total stay away from the abuser precluding visitation there was not an emergency.
- Children who might have been able to see the respondent parent in an unrestricted or restricted way were unable to have that contact. Despite the fact that the petitioner did not express the need for no contact between the respondent and the children, petitioner parents were left with the choice of their children having no contact with the other parent or not getting an OP. For some petitioner/victims this may have increased the risk of further ongoing abuse. Cutting off all access to shared children may have heightened the risk or been unsupportive of that victim's stated needs contributing to a lack of follow through on her criminal and/or civil DV case.
- Victims were not returning to court after obtaining an emergency OP which might have been tied in part to hardships resulting from the absence of attention to issues related to shared children during the period of the EOP.



- Litigating attorneys were not always utilizing the IDVA arguments to the fullest extent; advocates were not consistently emphasizing application of these IDVA arguments or fully assessing the need for and impact of seeking child-related relief in an OP with their clients.
- Prosecutors were not interested in litigating issues related to children when seeking OPs in a criminal proceeding; Public Defenders were not interested in these issues on behalf of their clients.
- Judges were reluctant to grant these remedies as there was a view that some victims would seek child-related remedies as subterfuge for avoiding a domestic relations custody case where greater resources were thought to be available for aiding judges' decision-making.
- Underutilization of OPs in divorce/parentage cases indicated that most family law attorneys were forgoing the application of the IDVA presumptive standards afforded their clients on issues of children while seeking the non-presumptive review standards found under parentage and divorce statutes.
- The case implications and staging of permanent versus temporary child-related relief for the victim parent at the point of seeking protection from abuse was not known or understood by litigants or many helpers or decision-makers.

In 2014 the opportunity to apply for a technical assistance award from OVW under the FCEP provided a perfect opportunity for the Circuit Court of Cook County to secure assistance in examining these issues toward establishing safe custody and visitation arrangements in cases involving DV. In order to implement the requirements of the award we established a Collaborative Team

and a Management Team and went to work utilizing a Logic Model methodology in creating a planned response for the subsequently supported implementation phase of the FCEP award.

## **2 Describe the problems or challenges you chose to work on during the project as identified during the planning phase of the project. Please also discuss how you came to identify those as the challenges you wanted to address during the project.**

Building from the pre-award Stakeholder Group's work, the FCEP collaborative and management teams, aided by our federal technical assistance providers, engaged in a series of meetings and discussions which resulted in the identification of a number of challenges. The challenges identified and distilled, using a logic model method, included:

- Disagreement about the appropriateness, range, and information required for child-related relief in Plenary (final 2-year duration) OP cases.
- The information needed to make informed decisions about child-related relief was not available to decision-makers, practitioners, and parties.
- Hurdles presented by the existence of two separate court divisions that issue child-related relief in cases involving DV, as well as the separation of criminal and civil cases within the DVD itself, can prevent victims from obtaining child-related relief to which they may be entitled.



# 3

**Describe the steps you took as a court to address the problems or challenges you identified. For example, did you create new positions, change practice, complete studies, change structures, etc.?**

The court created two new positions, a bilingual triage Help Desk position and a Child-relief Expediter. We also funded a local researcher from the Center for Urban Research and Learning (CURL) of Loyola University. In addition the grant supported a civil attorney position at DVLC to represent some of the FCEP-identified cases. The DVD Court Administrator served as the site coordinator enabling the court to utilize its funds for the purposes above. We successfully executed the funding agreement with DVLC for the attorney position and the funding agreement with CURL as the local researcher. The following specific activities occurred to assist us in addressing our challenges:

- CURL interviewed key stakeholders during the planning and early implementation phases regarding possible data sources and enhanced data collection for this FCEP effort.
- CURL conducted victim focus groups: two with participants who got an OP who had children in common with the respondent (one English, one Spanish); one with participants who did not seek an OP who had children in common with the abuser. Results were summarized and shared with the collaboration.
- We developed, executed, analyzed, summarized and presented two Judicial Surveys; one for the domestic relations judges and the other for the domestic violence judges. These surveys examined what information a judge had when faced with decision-making on custody/visitation issues; asked judges what they would like to have; and asked what they view as challenges

in their decision-making on these issues. Survey results were shared with the collaboration.

- The court completed three training sessions with judges: one that reviewed/contrasted the legal standards applied by judges under the divorce and parentage statutes and those standards under the IDVA, conducted by an experienced local judge; a second educational session by the TA providers examined risk factors and their implications when evaluating issues of custody and visitation; and a third full-day session attended by both domestic relations and domestic violence judges utilized the BWJP custody framework promoted by OVW under the FCEP. The training also examined how a judge can balance a proactive approach within the limits of their ethical standards particularly when dealing with self-represented litigants.
- The court planned and executed a roundtable conversation led by the technical assistance team involving several domestic relations judges and several domestic violence judges to look at how the relationship between the divisions affects victims' ability to obtain child-related relief. Stakeholder feedback previously collected was reviewed in this roundtable as well as the current court rules. Follow-up activities include a walk-through using a procedural justice lens on a victim's experience during that transfer process. Subsequent roundtables and activities in this area to clarify and review these transfer issues is being planned with the supportive assistance of the TA providers.
- The court and its FCEP technical assistance providers planned and executed a full-day educational session for advocates and attorneys patterned on the BWJP custody framework utilized as part of the judges' training. Follow-up and evaluation of the impact of subsequent use of the framework by advocates and

attorneys in cases involving children is under development.

- The court hired, trained, and implemented the grant-funded bilingual Help Desk staff position to assist in case triage and identification of potential FCEP cases and related activity.
- The court with collaborative input developed and implemented additional check-in Help Desk triage questions asked as follow-up to original inquires made regarding whether the victim/petitioner had children in common with the perpetrator. We added FCEP data collection fields to the Help Desk data base beginning August 2015. Positive answers to the FCEP questions resulted in the Help Desk issuing an Alert Card which moves with that victim/petitioner to the State's Attorney's Office (SAO) screening staff and to DVLC to highlight the need for further exploration of those issues by those entities. Alert Card Identification results were shared with the Management Team.
- DVLC designated the attorney that served as the FCEP attorney carrying an FCEP case load beginning April 2015 and continuing forward. Cases were accepted during DVLC's regular intake process as FCEP from April through August. After August, DVLC was screening both cases that came with an Alert Card as well as those "discovered" during DVLC's regular case intake process. The DVLC case acceptance and outcomes were shared with the Management Team. CURL interviewed the attorney to document the litigation experience on the FCEP-identified cases. The results indicated the need for training throughout the system as well as increased resource capacity and/or other needs/trends.
- We established a legal service subcommittee to engage those who provide direct civil legal services on OP cases and to share the FCEP attorney's experiences of FCEP litigation. Discussion

regarding the legal arguments made utilizing the presumptions of the IDVA was helpful in gaining a shared understanding and perspective on best practice in this area.

- Attention to obtaining child support OP remedies was a key focus area of this subcommittee.
- We conducted a number of meetings facilitated by the technical assistance team regarding the challenges encountered when seeking child-related remedies in an OP heard in conjunction with a criminal case. A number of possible strategies have been discussed with the agreement that initially there would be some review of the impact of the Alert Card in the SAO's screening process and subsequent inclusion of child remedies in OPs the office files on behalf of victims. These facilitated discussions also included the public defender's office and other key stakeholders. A number of possible strategies were identified including the formal appearance of a civil attorney in a criminal proceeding to represent the complaining witness in her civil OP when child-related relief in the OP is contested, and/or filing a separate civil OP in a civil proceeding when initiating the criminal case with each case proceeding separately. Both approaches are being tested and reviewed.
- We developed, hired, and implemented a grant-funded position of Child-relief Expediter. The job responsibilities, protocols, forms, logistics, and physical space for this new service were developed under the FCEP with significant input from the collaborative team and technical assistance providers. In summary, this bilingual Expediter provides a voluntary process for litigants who share children in common in OP cases to help them negotiate agreements on child-related issues. This service is limited and intended to assist some parents in negotiating safe parenting

agreements (custody/visitation/financial support), not the underlying need for the OP. The expediter service is offered to litigants in court on a voluntary basis. Both parents must agree to participate and can choose to end the session at any time. The Expediter is neutral, will not take sides or give legal advice, and will not make recommendations to the court about the case. An expanded role for the bilingual FCEP Help Desk staff in helping to assist litigants in the logistics of shuttle facilitation on child-related agreements has also been implemented. Refinements and enhancements are occurring as we gain more experience with the program's use. Data collection regarding aggregate Expediter case outcomes is underway.

- We initiated discussion with the Supervised Visitation and Safe Exchange Centers regarding the use of the centers for visitation ordered as part of an OP. The court began to explore strategies for introduction of supervised visitation and exchange services to litigants, advocates, lawyers, and court personnel while also encouraging Center expansion to suburban courthouses. The DVD worked with the longest standing, highly respected center, Apna Ghar, regarding the establishment of a Supervised Visitation Court Liaison (SVCL). Apna Ghar's effort to gain private funding to pilot such a position was successful and permitted a one-year pilot of this position effective January 2016. The SVCL serves to educate victims about the option of requesting supervised visitation and/or safe exchange services at the point that the victim is considering whether to address visitation within their petition for an OP. In particular, the SVCL informs victims about the possible use of Chicago's several SV Centers. If a judge is going to order supervised visits or restricted exchange of the children, the judge can offer the litigants the opportunity to speak to the SVCL who will explain the nature of the Centers'

services and help link the parents to the Center that best addresses their geographic, linguistic, and/or cultural needs. This enables the judge to enter an order that designates a Center. Similarly, the SVCL offers information about the Centers when parents are engaged with the Expediter in order to educate the parents about Centers' services to inform their negotiation. This combined effort has resulted in parents agreeing to utilize a Center, thus enabling an Agreement and the judge's subsequent issuance of an order which results from this enhanced communication and opportunity to be heard by both parties.

- Following discussion with several on-site advocacy groups and lawyers regarding the content and format, litigant information brochures were developed which inform victim petitioners about the specific relief that might address issues related to their shared children; the availability of the Expediter; the nature of the supervised visitation centers services and the Supervised Visitation Court Liaison. All materials were translated into Spanish and vetted with the larger Stakeholder group. These educational materials are provided to all those who are identified as FCEP through the Help Desk staff triage identification process. In addition the materials are available to the public in the general screening area, the State's Attorney's Office, advocates, and lawyers.
- While not FCEP-funded, during this grant period the court worked with Perpetrator Service Providers regarding the need for Respondent interventions particularly when the parties have children together. Perpetrator service resource capacity is aimed primarily at convicted DV offenders, not civil OP respondents. VAWA STOP TA funding enabled the DVD to produce a video and brochure for OP Respondents who have children in common with the victim parent. Included in the brochure was counseling

and legal services for respondents and information about supervised visitation and safe exchange centers. The goal was to make it clear that attempting to see children could be a violation of the OP if the order was a total stay away/no contact order. The video and brochure also inform those respondents that they can seek information about supervised visitation and make a request for modification if they wish to ask the court to permit visits with their child without violation of an OP. The link to the video on-line is <http://www.cookcountycourt.org/ABOUTTHECOURT/CountyDepartment/DomesticViolence/OrdersofProtection/RespondentInformationVideo.aspx>

- CURL reviewed case pleadings, clerk of the court data and Help Desk data, examining specific outcomes related to children in OPs in almost 90 FCEP Alert-Identified cases. Due to the existence of Help Desk data we were able to break down the sample of FCEP Alert-identified cases by those that gained assistance from law students, pro bono attorneys, DVLC, and those who were self-represented. This was a pre-test of FCEP cases identified and completed before the availability of the Expediter and/or the litigant education materials and the training conducted with judges, advocates, and lawyers. This process has been repeated following the implementation of these additional activities. It will be done again toward the conclusion of the grant. The measure of impact of these added resources will aid in the evaluation of the scope of the need for this child-related relief in OPs.
- Planned activities include a) resuming discussion regarding child OP remedies in criminal cases including evaluation of the outcome experience of the SAO; since the Alert Cards have been part of the triage referral protocol, civil attorneys have begun to file appearances in some criminal cases and/or OPs case initiation as separate civil proceedings at the point of



initiating a criminal charge while also offering child-related remedy training for the victim witness personnel who interview victims in order to prepare the OP; b) ongoing review and adjustment/enhancement where necessary of the Expediter program; c) further implementation of supervised visitation court liaison services; d) enhanced training and evaluation; e) continuing discussion regarding DRD/DVD transfer rules and process; and f) ongoing data collection and analysis.

**4 Describe the successes you have experienced as a result of your participation in the Project. How did your work help improve your court's handling of domestic violence cases in which custody and visitation decisions are made? Did your changes improve the lives or experiences of victims and their children, improve safety, etc.? Provide real-life examples of your success.**

In general, the court is becoming more thoughtful regarding how child custody/visitation/support decisions are made in OPs and the nexus with any actions that might occur in the DRD and/or criminal cases.

Advocates are reviewing with their clients issues related to shared children in a more purposeful and meaningful way. Attorneys are spending more time interviewing and evaluating with their clients the need for child-related relief on an OP and the efficacy of seeking that relief as a temporary measure in an OP as opposed to or in conjunction with a possible divorce, parentage, or criminal DV case.

State's Attorneys have enhanced their interviews with possible complaining witnesses to include a more meaningful review of the

victims' concerns regarding the children that are shared with the alleged abusers. Judges in criminal court are becoming more open to considering issues related to children and have even entered child support orders when civil attorneys have filed appearances on behalf of the complaining witness in the criminal case. Several criminal cases have been linked to the Expediter with the support of an advocate.

Advocates and attorneys have begun to make their clients aware of the existence of the Child-relief Expediter and the Supervised Visitation Court Liaison which has resulted in victims requesting that civil court judges refer them to services rather than having to solely rely on the judges' self-initiated offer of this voluntary service.

Help Desk triage processes including early mention of children and subsequent issuance of the Alert card helped focus attention on these issues at the point that a victim is filing for protection thus raising awareness about the availability of child-related legal relief while sending a clear message that this is an area of concern that can be potentially addressed in the OP. The addition of the Litigant Educational Materials, shared early in the process and available to anyone again or during the legal process, further supports the idea that the DVD is a friendly forum for child-related protections.

We have had great success with the cases that have utilized the Child-relief Expediter. There has been very positive feedback from all participants—parents, attorneys, advocates and family members. Most expedited cases have resulted in an agreement between the parties. Judges have been pleased with the detail of the agreements. The expedited sessions have resulted in safe and effective agreements between the parents. The parents have expressed that they walked out feeling they were heard and that they had a say in the outcome related to their shared children. They

both understood the order more clearly and felt relieved to have a structure around visits. We hope to evaluate over time our presumption that when addressing visitation issues in a structured and thoughtful way, respondents are less likely to violate orders and petitioners can permit safe access without risking a subsequent diminishment in a claim of further abuse should a violation occur when the petitioner permitted respondent's conduct (access to children) in contradiction to the OP. Many respondents have communicated to the Expediter that they felt they were being treated fairly during the expediting process and they had not felt that way in court, which enhances victim safety and procedural justice. Many litigants have been connected to advocates, legal services, and various other resources (DV hotline, individual counseling, and counseling for children). Even when agreements have not been reached, litigants express greater understanding of and support in communicating their concerns to the judge in order for the judge to make informed decisions. As we gain greater experience delivering these services with particular attention to adequate screening for impediments to participation in this process, the Expediter will be sharing information and lessons learned with the Mediation Services for the DRD which does child custody mediation in divorce and parentage cases thus increasing their already substantial expertise in this area.

Attorneys are continuing to develop best practice experience in arguing for child-related remedies utilizing the presumptions of the IDVA. In addition to addressing best practice on custody and visitation issues, the legal service subcommittee has been sharing strategies and having success at gaining child support for their clients as a remedy in the OP.

Ongoing communication/engagement with the judges regarding the efficacy of these services and the impact on their decision-

making is occurring and resulting in collateral education and deeper understanding of these child-related issues by everyone who seeks to address them in the DVD. Judges have gained a deeper appreciation of how the context of the DV in each case has implications in their decision-making and resulting orders. Some judges who adopted the view that these matters are not appropriate for an OP case opted for new judicial assignments which resulted in the successful assignment of judges within the DVD who are supportive of the goals of the FCEP.

Using the data review processes already described helps the court to better understand the scope of need as well as the resulting capacity of services required to ensure safe parenting and visitation orders are possible. The review of how often self-represented petitioners seek and/or gain child-related relief when compared to those who have had the benefit of assistance from an advocate or lawyer will help us determine if added counsel on these matters results in different victim self-evaluation of need in this area of protection for themselves and their children.

Public awareness has increased regarding the intersections of DV and the impact on children as a number of forums have chosen to focus on this issue in the last year. The FCEP project was covered in an article in the *Chicago Sun-Times* by a notable local reporter.

## **5 What data did you collect or seek to collect as part of the project? What have you done with the data or what do you plan to do with the data as you reach the end of the project? Was data collection helpful? What challenges did you come across when trying to collect or analyze your data?**

As already described in response to prior questions, we have

been attentive to data collection from the inception of the FCEP. We have the following list of data being collected and/or reviewed, most of which has already been shared with the collaboration.

- Key personnel informant interviews
- Ongoing Help Desk data which includes many fields related to the relationship, scope of abuse, existence of children, concerns regarding children resulting in FCEP Alerts, whether parties live together, and to whom a petitioner was linked to gain assistance (DVLC, State's Attorney, Advocate, Self-represented)
- Ongoing review of Clerk of the Court data reflecting OP outcomes and remedies
- Judicial survey results and analysis
- Monthly DVLC attorney case outcomes and case acceptance data
- DVLC attorney interview results regarding litigation experience
- Monthly Child-relief Expediter data review and outcome analysis
- Judicial and advocate/lawyer training program evaluations
- Victim focus groups results
- FCEP-related case outcome data and analysis--includes court documents in conjunction with Help Desk data review, analysis and summary
- Tracking volume of litigant education materials distributed.

Collection of this data and the relational analysis among different data collection points with assistance of CURL, the local research partner, has proven extremely helpful by providing objective results

which support or clarify subjective discussion within the collaborative process of the FCEP. Data results have been shared with judges and other court personnel in routine meetings of the court in order to illustrate trends, needs, and results. Evaluation which includes case outcomes over time helps us evaluate the efficacy and impact of added programs and training under FCEP.

## 6

### **What obstacles did you experience as a court working to change practice or create change? How did you deal with those challenges?**

Resistance to change from some judiciary and some court personnel based in part on the crush of volume and implicit bias hindered our efforts. Lack of appreciation of the practical aspects of hearing case after case of DV most often from self-represented litigants in heavy court calls, including burnout, was also not fully understood by many of the stakeholders seeking reforms. Advocates' and lawyers' experience of coming to court on one or several cases a day is not the same as hearing case after case without benefit of client interview/interactions afforded to these helpers. Expectations of court personnel must be informed by the everyday experience of those individuals as well as the procedural justice lens from the litigant's perspective. The sharply contrasting views held by those with a bias that most victims are not truthful and those holding the opposite view that no victim ever manipulates the system results in unrealistic problem-solving conversations which do not serve the interest of the litigants or the system.. Some judges question whether child-related issues should be handled in a DV courthouse persisting in the view that other courts should address these issues. The assumption that those who hear child custody matters in the DRD have many more resources available to them

was proven to be not entirely true at the point that a divorce judge is, for example, setting up a temporary custody/visitation order. With the addition of the Child-relief Expediter, DVD judges required to make a decision related to children in the OP should have a greater comfort level in their deliberation and observance of the statutory presumptions. Unfortunately, despite the extra training and resources, there are some DVD judges who continue to hold and act upon uninformed views related to petitioner motivations.

Time constraints in a high-volume courthouse create difficulty when a case is referred to the Expediter toward the end of the call because of judiciary and court personnel schedules/breaks. Suggestions that related to new ways to address time issues, such as calling cases with children first, calling attorney cases first, and offering status dates at 2:00 p.m., were not initially embraced because they did not help the courtroom move through the call—they helped litigants avail themselves of the Expediter services. Judges wanted cases to be expedited very quickly which ran up against the goal of safe implementation of the Expediter's service in the thoughtful way it was developed. Quick often is not safe. To assist with the referral process, as well as address the timing issue, the Expediter now reviews the daily case docket to identify which cases have children in common and then reads the pleadings on those cases to get a sense as to which cases may be referred. The Expediter is then present in the courtrooms, as often as possible, when these cases are heard by the judge so that the referral can happen quickly and the participants can begin the session immediately. This docket review process has also helped to identify cases for the Supervised Visitation Court Liaison and streamline access to those services.

Issues related to confidentiality of the Expediter's process and lack of disclosure of facts provided by the parties to the judge was a



concern raised repeatedly by the judiciary. Stakeholders had input into the parameters of this program resulting in a confidential process. Questions of when to disclose and what to disclose to a judge once a case was initiated with the Expediter were raised again with full force once judges began to experience these services. Significant judicial engagement on this issue was required with the Expediter and the Court Administrator having individual meetings with the civil judges followed by a group meeting of all of those judges and both the presiding judge of the DVD and the DRD. Clarification resulted with better understanding by the judiciary. To allow for protection of both the judge and the Expediter, the DVD entered a General Order which “codified” the confidential nature and the exceptions to confidentiality. Of course those terms are outlined in the Agreement that the litigants sign before initiation of the Expediter’s services.

During the implementation process we also learned that the clearer the court was about the status of the OP, what remedies the judge was going to enter (for example that exclusive possession of a shared residence was going to be awarded to the petitioner) , and what issues the judge was suggesting were to be the subject of the expedited services (child visitation only, or visitation and financial issues related to the child), the more effective the process could be as these elements all directly impacted the negotiation.

The challenge of using the Expediter in criminal cases illustrated that those who work in the civil side (lawyers and advocates) did not have a genuine understanding of the criminal court procedures and the role, expectations, and limitations of the prosecuting attorney’s office and the public defender’s office. As the Expediter is used in criminal cases we find that it is generally because an advocate has informed the victim that it was an option and the victim wanted the defendant to be able to visit their children in a restricted fashion as

opposed to no contact. There have been several successes in addressing child-related issues in criminal cases and we will be evaluating that impact over time.

## **7** What were some of the most challenging aspects of being a FCEP court?

The biggest overarching challenge has been trying to implement something innovative in a system that is very resistant to change. Change is necessary in the court system and the reasons were documented and known when we applied to be an FCEP site. Perhaps less expected and as challenging was the resistance to change from helpers as well. Advocates' reluctance to consider that visitation may be something a victim wants was a stronger force than anticipated. An assumption that all abusers should never have access to shared children remains strong. Results of victim focus groups and feedback from those who have had the benefit of FCEP service components illustrate that in fact attention to child-related relief is a helpful and often desired thing which can increase safety in both the short and long term for the victim and the children. Gaining a genuine, objective, and unfiltered measure of the desirability among victims for having child-related issues addressed in an OP remains a difficult challenge. Bias and assumptions seem to persist throughout our public, court, and private helping systems.

An additional challenge was that we underestimated how long it would take for change to occur for full consistent implementation of all aspects of FCEP while achieving a shared understanding among everyone who touches a case.

## 8

### **Describe how the assistance of national TA providers helped your work.**

The TA providers provided training to our judges, advocates, and lawyers. The BWJP developed Practice Guides were really welcome and valued. Outside presenters enabled those who attended to learn about best practice and the challenges on a national level in dealing with FCEP issues. Many times it was helpful to get an “outside” but informed perspective on issues, especially when we were mired in the details. Having TA providers as messengers related to identifying problems or speaking to apparent bias helped insulate those who must continue to work every day in the system with all the stakeholders. Sharing cross-jurisdiction experiences was also a useful contribution by the TA providers. Listening and summarizing the content of meetings allowed for participation by local leadership and resulted in a product that was not impacted by local conflicts between individuals. In summary, the TA providers were fundamental to problem identification and encouragement and assistance in problem solving many of the already mentioned challenges.

## 9

### **What aspect(s) of your participation in the Project do you believe should be highlighted in detail on the website for other courts?**

The development and implementation of the Child-relief Expediter Program is definitely a highlight and a direct result of the FCEP. The partnership with the SVCL position is also noteworthy. The judicial survey and training was a highlight. The training for advocates and lawyers was noteworthy in that it helped us better understand the level of resistance to change which must result to reflect the needs

of victims who have children in common and the limited role that many advocates believe they should play in addressing those needs. Finally the data collection and outcome analysis are strong points for our FCEP efforts. Lawyers had success at getting child support orders within an OP, which was not anticipated. Greater dialogue toward enhanced understanding of the challenges and resources available among the judges in the DRD and those in the DVD occurred. Perhaps the biggest highlight is the ongoing sustained commitment among all the stakeholders to continue to come to the table and review, discuss, and problem-solve on these important, complex legal and policy-related FCEP issues.





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