



Center for Urban Research and Learning
Loyola University Chicago

EXAMINATION OF THE EFFECTIVENESS OF THE FAMILY COURT ENHANCEMENT PROJECT

Summary Report

- 2018-2023 -



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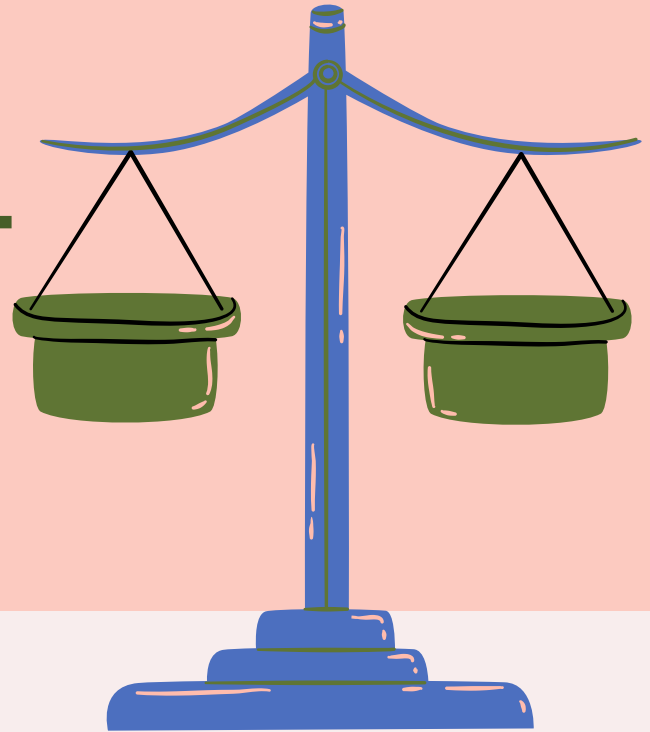
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THE FAMILY COURT ENHANCEMENT PROJECT



Improving safety outcomes for litigants with children in common

Loyola University Chicago's Center for Urban Research and Learning (CURL) in partnership with the Circuit Court of Cook County Domestic Violence Division (DVD) evaluated the Family Court Enhancement Project (FCEP). FCEP was a Department of Justice Office of Violence Against Women (OVW) funded initiative implemented at the Chicago Domestic Violence Court to improve safety outcomes for Order of Protection (OP) litigants (legal parties) who share children. The goal was to increase a sense of safety and procedural justice among litigants accessing legal protections within a domestic violence court division.

The Family Court Enhancement Project (FCEP) was instituted as a model to reform the civil court system to support litigant parents who share children in common and to ensure petitioners have access to full safety remedies permissible under the Illinois Domestic Violence Act. The funded model implemented a) trainings for judges, attorneys, advocates, and other stakeholders; b) informational materials provided during an improved litigant triage screening process; and c) a Child-Relief Expediter. Overall, the FCEP model included initiatives that support parent litigants in receiving child-related relief in their Orders of Protection and in creating safe and fair parenting agreements.

THE FCEP MODEL



TRAININGS FOR COURT PERSONNEL

Court personnel were trained in 2016 on the new FCEP court initiative which was informed by the SAFeR curriculum developed by the Battered Women's Justice Project. The curriculum focused on the holistic patterns and impacts of domestic violence on petitioners, respondents, and their shared children.



INFORMATIONAL MATERIALS & THE HELP DESK

The courthouse improved its triage help desk and initiated additional screenings, developed a case tracking database, and hired additional help desk staff, including a Spanish-speaking staff member. FCEP also developed informational materials to assist petitioners file their OP petitions and request child-related remedies.

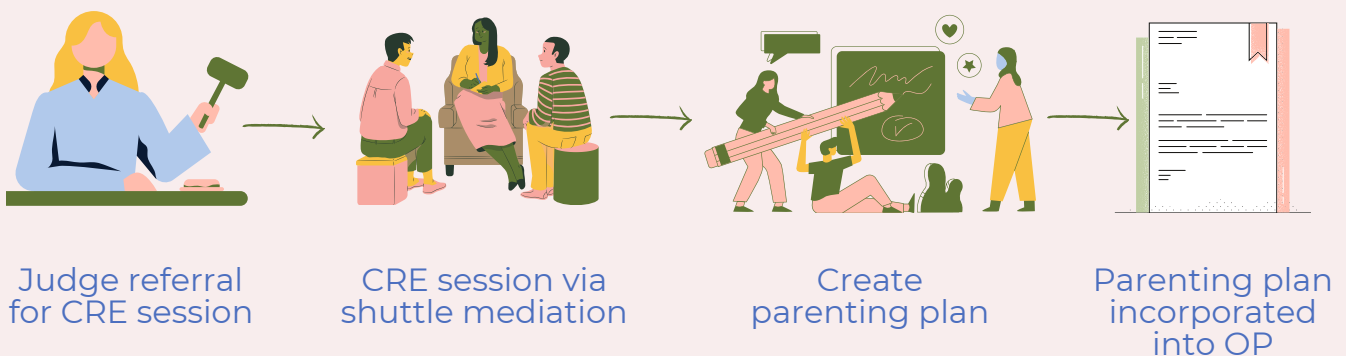


CHILD RELIEF EXPEDITER

The role of the Child-Relief Expediter (CRE) is a support for parent litigants with children in common seeking safe parenting arrangements. The CRE works collaboratively with parent litigants to define child-related relief in their OP and develop a parenting plan that addresses their specific safety needs for themselves and their children.

Child-Relief Expediting Process

The process of CRE sessions includes the CRE facilitating a safe space for both parents to determine the safest parenting options and child-related remedies for themselves and their children. During CRE sessions, deliberations focus on child-related remedies such as communication regarding children, visitation options, and safe exchange protocols. If a parenting plan is agreed upon by both parents, the parenting agreement is incorporated into their final granted OP by a judge.





RESEARCH DESIGN AND METHODOLOGY

RESEARCH QUESTIONS

1. To what extent has the FCEP increased the safe and fair child-related remedies in OPs for litigants and their children?
2. What is the long-term impact of FCEP activities on facilitating parenting arrangements that protect the emotional and physical well-being of victimized parents and their children?
3. How has the implementation of FCEP impacted court processes?



MIXED METHODS

Using a mixed method approach, court case records were quantitatively analyzed, and qualitative interviews and focus groups were conducted with judges, attorneys, court advocates, court personnel, and litigants to examine the three research questions.

ADMINISTRATIVE COURT DATA

	2015	2017
OP Petitions	329	395
Court Hearing Transcripts	132	127
CRE Reports	--	127
OP Violations	314	218



QUALITATIVE DATA

Interviews with Litigants

- 15 Petitioners
- 15 Respondents

Interviews with Court Personnel

- 10 Civil Judges
former and currently presided in civil courtrooms
- 1 Child Relief Expediter
- 2 Help Desk Staff

Focus Groups with Attorneys and Court Advocates

from DV Agencies partnered with the DV Court

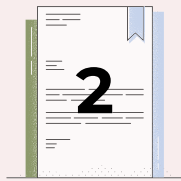
- 9 Attorneys
- 8 Advocates

KEY RESEARCH FINDINGS



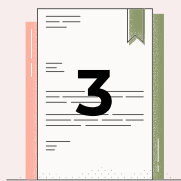
Increased requests for safe and fair child-related remedies in OP petitions and civil OP court hearings.

- Petitioners significantly increased their requests for safe and fair child-related remedies in the petitions from pre- to post-FCEP. Most increased requests occurred in pro-se filings.
- There was a significant increase of pro-se petitioners presenting testimony of child-related issues and alleged abuses in OP court hearings.



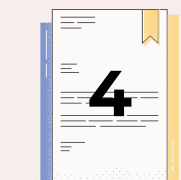
After the implementation of FCEP, DVD Judges significantly increased their child-related questions during civil OP hearings.

- Cases where judges asked questions regarding children's exposure to abuse increased by 79% between pre- and post-FCEP.
- Judges also began to ask questions regarding the impact of abuse on children and increased more than fivefold, from 2.3% pre-FCEP to 12.5% post-FCEP.



The establishment of the Child Relief Expediter increased the capacity of the DV Court to facilitate parenting relations that protected the emotional and physical well-being of victimized parents and children.

- Judges, attorneys and advocates with the DV court all valued the role of the CRE, referred litigants to the CRE and incorporated the CRE into their court procedures to ensure litigant safety.
- Two-thirds of cases involved in a CRE session in 2017 reached agreement in at least one area of child-related relief after discussing various parenting options.
- Most parent litigants interviewed were satisfied with the CRE and reported feeling increasingly comfortable with their parenting agreements over time.



Petitioner and respondent parents had mixed perceptions of fairness and procedural justice with their experiences in the courthouse and the court personnel.

- Eighty percent interviewed reported some modicum of fairness, with about half reporting "moderately fair" to "very fair treatment."



Differences in respondents criminally violating their Order of Protections pre- and post-FCEP.

- In 2015, the criminal charges were mainly due to incidents of battery/domestic battery (52.8%) whereas in 2017, the charges were mainly violations of orders of protection (VOOP) (44.4%).



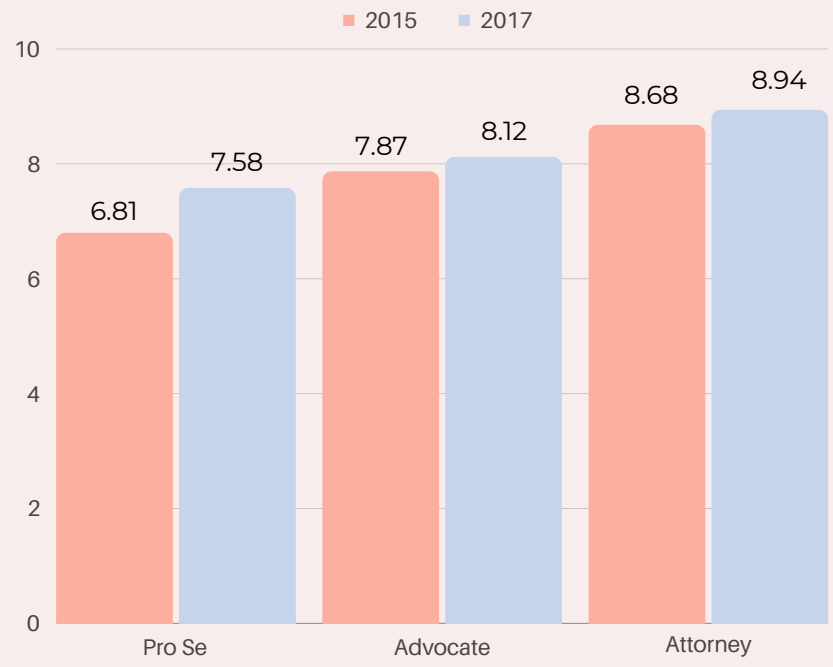
Increased requests for safe and fair child-related remedies in OP petitions and civil OP court hearings.

The domestic violence (DV) civil court provides Orders of Protection to those experiencing domestic violence requiring emergency assistance. We analyzed OP case files from 2015 and 2017 to assess changes in how child-related remedies were requested by petitioners, how judges asked questions regarding child-related issues, and how child-related remedies were granted in final OPs. Each case file and petition is distinguished as self-represented (pro se), pro-se assisted by an advocate, or represented by an attorney.

Requests for Child-Related Remedies

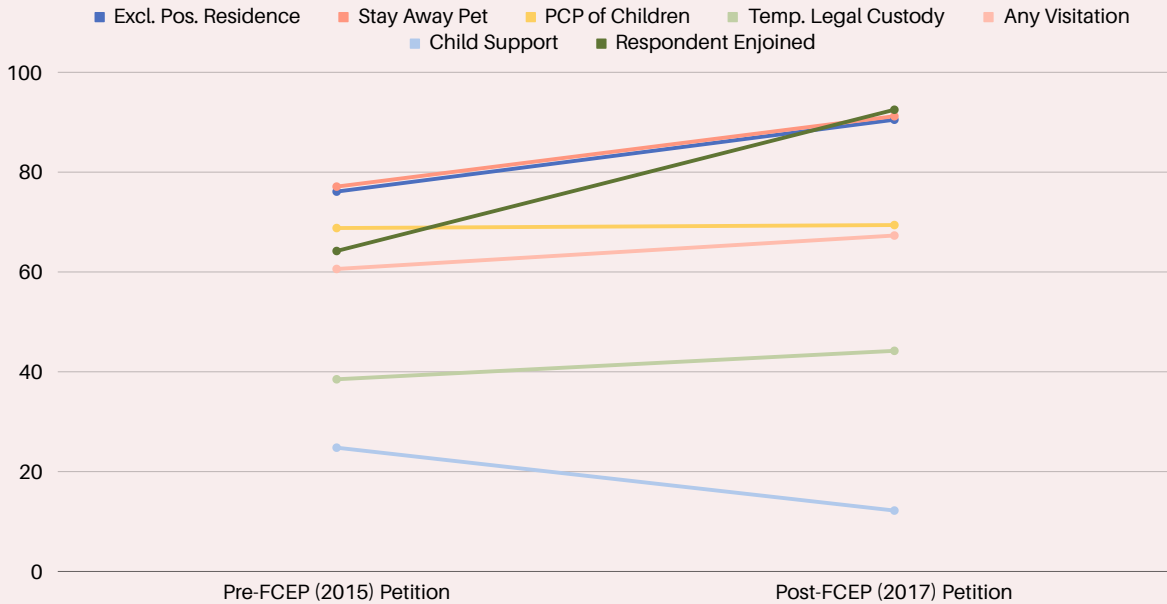
Most petitions for Orders of Protection are filed by self-represented pro-se litigants themselves. Prior to FCEP in 2015, most pro-se petitions had less average requests for child-related remedies than petitions assisted by an advocate or represented by an attorney. After the implementation of FCEP in 2017, there was a significant increase in requests for child-related remedies in OP petitions filed as compared to petitions filed in 2015. The vast majority of the increased child-related requests occurred in pro se petitions.

Average Number of Child-Related Remedies Requested per OP, by Helper Group



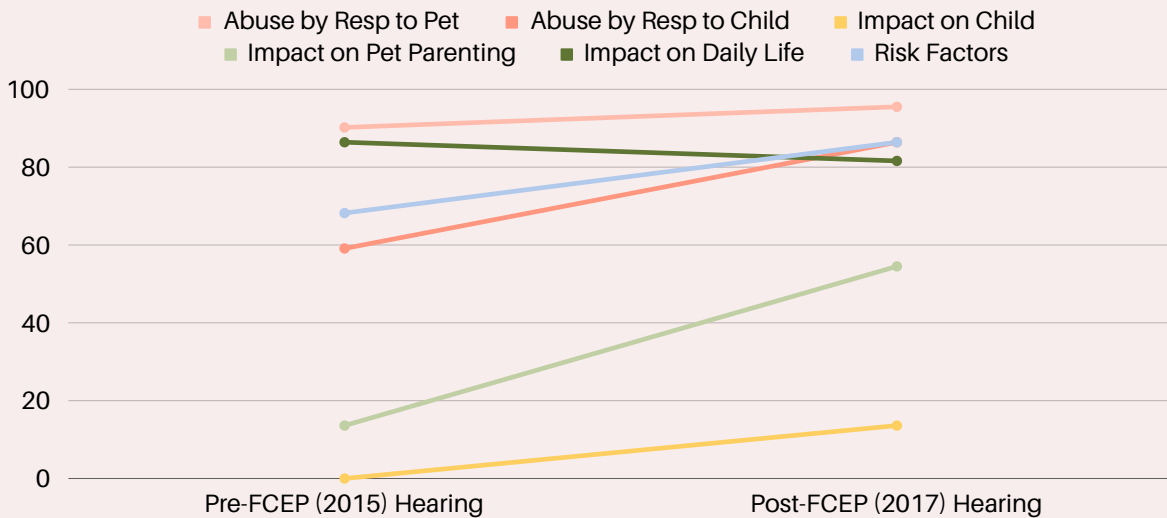
In civil OP petitions, pro se petitioners increasingly requested child-related remedies post-FCEP, as compared to pre-FCEP.

Types of Child-Related Remedies Requested in Civil OP Petitions by Pro Se Petitioners, pre- FCEP and post-FCEP



In civil OP hearings, pro se petitioners increasingly presented the alleged abuses they and their children experienced in post-FCEP, as compared to pre-FCEP.

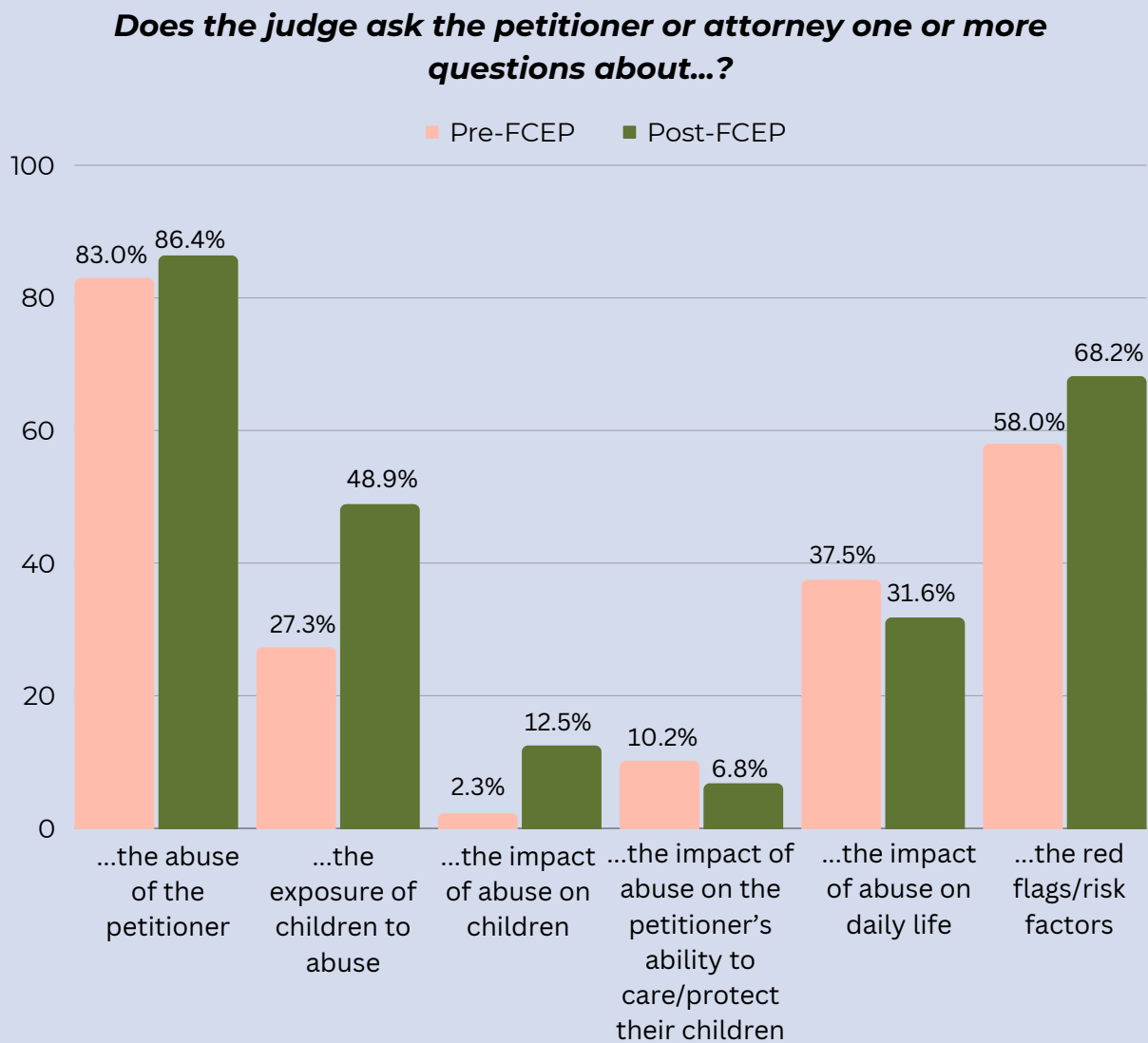
Alleged Abuses Presented in Civil OP Hearing by Pro Se Petitioners, pre- FCEP and post-FCEP



2

After the implementation of FCEP, DVD Judges significantly increased their child-related questions during civil OP hearings.

There was a statistically significant increase pre- to post-FCEP in the number of cases in which questions were asked by judges regarding children's exposure to abuse and the impact of abuse on children.

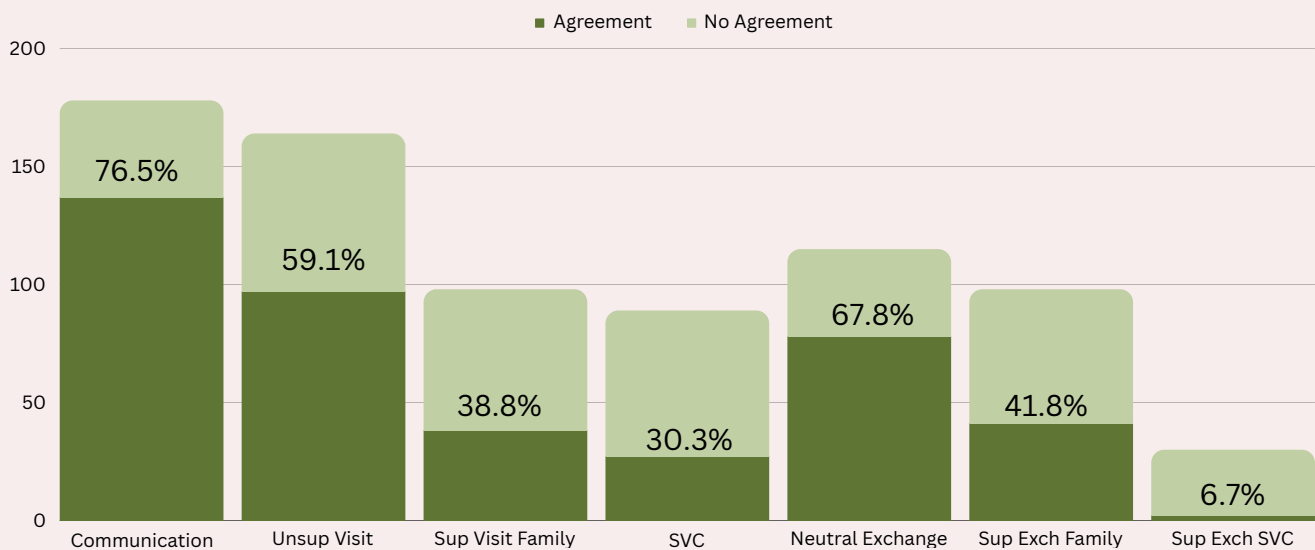


3

The establishment of the Child Relief Expediter increased the capacity of the DV Court to facilitate parenting relations that protected the emotional and physical well-being of victimized parents and children.

The majority of cases involved in CRE sessions in 2017 reached agreement in at least one area of child-related relief (66.3%) after discussing various parenting options.

Agreement in Child-Related Relief during CRE Sessions



When interviewed, the CRE felt that the role of the expediting process has positively affected safe agreement outcomes for litigants. This was seen in the decrease of what she called, “frequent flyers,” or litigant parents who often return to the court.

“Previously [to FCEP], it was just band-aiding the situation, and then the order is done and then you're back, and then you're back six months later... It feels like there are less people in that sort of situation and more people are actually getting solutions that are helping them move forward.”

Child Relief Expediter

CRE Impact on Improved Court Procedure

Parent Litigants

Overwhelmingly, litigants found value in their sessions with the Child Relief Expediter (CRE). When asked about their level of satisfaction in working with the CRE and creating a parenting agreement, 63.3% of parents were 'very satisfied.' Many of the litigants distinguished their calm and helpful experience with the CRE compared to their stressful experiences with the judges. Many litigants reported the CRE as an accessible court resource.

Judges

All of the judges interviewed reported that they utilized the CRE's services heavily and spoke highly of the CRE. The interviewed judges shared that the CRE is invaluable to them because the CRE is able to have conversations with litigants that the litigants may not be comfortable having with the judges in a formal court setting. The judges noted that the CRE learns more detailed information in her sessions than what the judges would learn during their brief hearings with litigants. Finally, the judges shared how the CRE makes extremely accurate safety recommendations because of the rich conversations she has with both litigants.

Attorneys and Advocates

Attorneys and advocates alike spoke highly of the CRE and their experiences with the role within the court setting. Key factors in creating these positive experiences were the CRE's ability to make litigants feel seen and heard, to mitigate issues with the judges, and to support attorneys and advocates in their respective roles assisting petitioners with their OPs.

“[The CRE is] completely and utterly invaluable. I don't understand how the courthouse could have functioned without one before and it's really depressing and saddening to think that it didn't exist at some point...”

DV Court Judge



4

Petitioner and respondent parents had mixed perceptions of fairness and procedural justice with their experiences in the courthouse and the court personnel.

A key highlight from the interviews was seeing each parent litigant center their children in their discussion of the parenting plans and their broader familial goals. Whether a petitioner or respondent, many of the parents appreciated the parenting plans and having opportunities to spend quality time with their children. For many parents moving through the court, the parenting plan encouraged parents to build co-parenting skills as well as sustainable relationships with their children as a means to overall safety.



Some petitioners faced challenges surrounding safe communication while implementing their parenting plans. Some petitioners shared that respondents used Talking Parents to threaten, harass, and otherwise interact with the petitioner outside of matters pertaining to the children and visits. They did not want to talk to the respondent but felt required by the parenting plan to maintain communication about their children. In instances where respondents threatened, harassed, or otherwise misused the Talking Parents app, some petitioners reacted by completely cutting off the respondent, putting their parenting plan in jeopardy.

While many litigant parents benefited from their parenting plans, many also felt the need to make informal modifications to their plans without involving the court or court procedures. *The majority of these modifications were to increase visitation times and access for the respondent parent in contexts where visiting time was going well.* Many noted that these modifications were primarily due to either not knowing how to proceed with legal modifications through the court, making modifications to avoid the time constraints of the court, or not wanting to return to the court to make parenting decisions.

The parenting plans were integral in creating safe environments for the children to spend time with their parents and have safe child-parent relationships.

“I felt a little sad cause I feel like every child needs both of--like should have both of their parents. So, when [my daughter] was able to see [her father] and the fact that she’s seeing him in a safe environment, it made me happy and just seeing how she was reacting towards that made me happy.”

Julie
Petitioner Mother

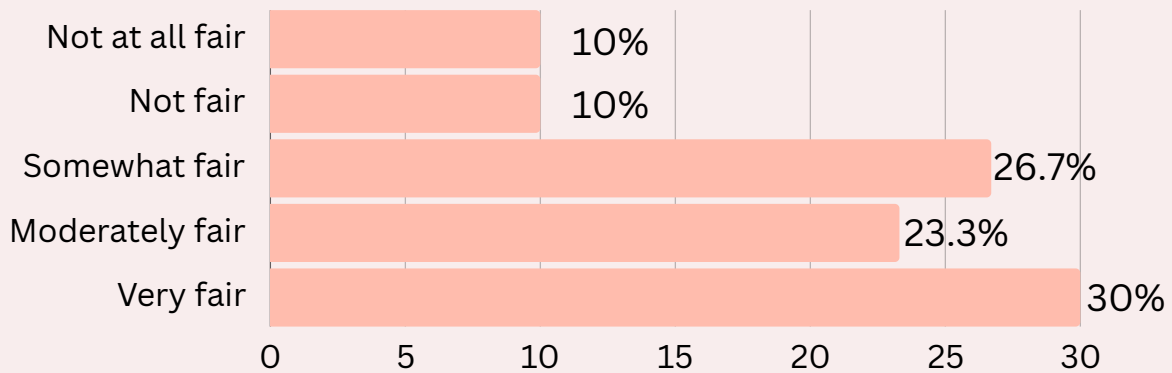
“We go back to a familiar space which is the time that we spent with each other together. It’s just reassuring them that I’m still their dad. I’m here and that I just want to make them happy. I want to do fun stuff with them. I want to be here with them if they’re going to cry or if they need to talk or whatever the case is. Even if they need a little bit of space. I just want to be a good father for my kids.”

David
Respondent Father

Many of the petitioner mothers interviewed expressed that they have been developing closer relationships and spending more time with their children following their OP and parenting plan. Many petitioners noted that their children more openly shared details about their lives and feelings with them now that there was more one-on-one time available at home due to the OP and the physical separation from the respondent. Many of the petitioner mothers also shared that they wanted their children to spend time with their respondent fathers and wanted to ensure the child and respondent could maintain a safe relationship together.

Many of the respondent fathers expressed frustration with the limited time they had with their children, but they were still adamant about spending quality time with their children. Many fathers were grappling with appreciating the time they had with their children while also struggling with the limitations set at that time. Many shared anecdotes of their children asking them why they could not spend more time together or why they could not stay overnight.

All litigant parents were asked to consider how fairly they felt treated during their court process:

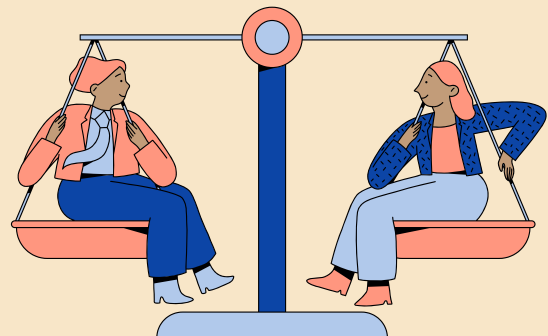


Some petitioners reported they felt a sense of fairness when the judges listened and asked them questions about their experiences, appeared balanced, did not rush through their case, and seemed confident in their decision-making. In addition, petitioners reported they felt a sense of fairness when the judge listened and considered both litigants during the court hearing. One petitioner expressed that this respect increased her sense of fairness with the court:

“The fact that they were fair to me, they gave [the respondent] the same level of respect, to me, plays a big part in how we move forward and whether or not there’s a sense of resentment or a sense of anxiety and distrust because of feeling like a whole system will support you and not me.”

Jazz

Petitioner Mother



Other petitioners felt like they were not heard by the judges during their court hearings.

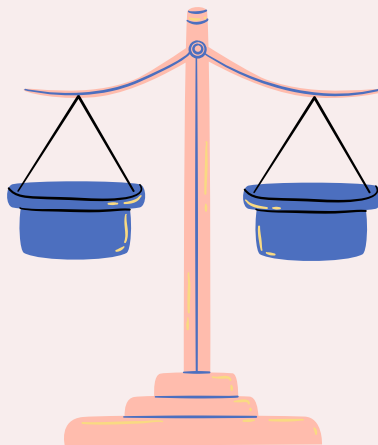
Many petitioners had difficulty communicating with the judges, often expressing that they were not being listened to, were not acknowledged, and did not have enough time to share their experiences with the judges. These petitioners were frustrated that they could not fully express their situation and their needs to the judges. Ultimately, this frustration led to petitioners feeling like they would not receive the support that was best for their families.

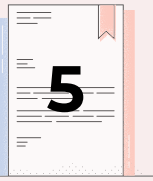
Comparatively, many of the respondents shared that they did not have a space to share their concerns or their story with the judges.

Many respondents did not even attempt to share their concerns with the judges as they anticipated that the judges would not want to listen to them. Overall, many of the respondents felt that the court was one-sided and especially biased against respondent fathers. Many of the respondents were adamant about how unfairly they were treated by the judges and the lack of support provided to men and fathers from the court. These fathers felt that the court would always side with the petitioner mothers and gave more weight to the mothers' statements.

“I was very disappointed in the way that the court took this case, and made it biased...They never took in consideration anything that I had to say or had to prove...”

Luis
Respondent Father

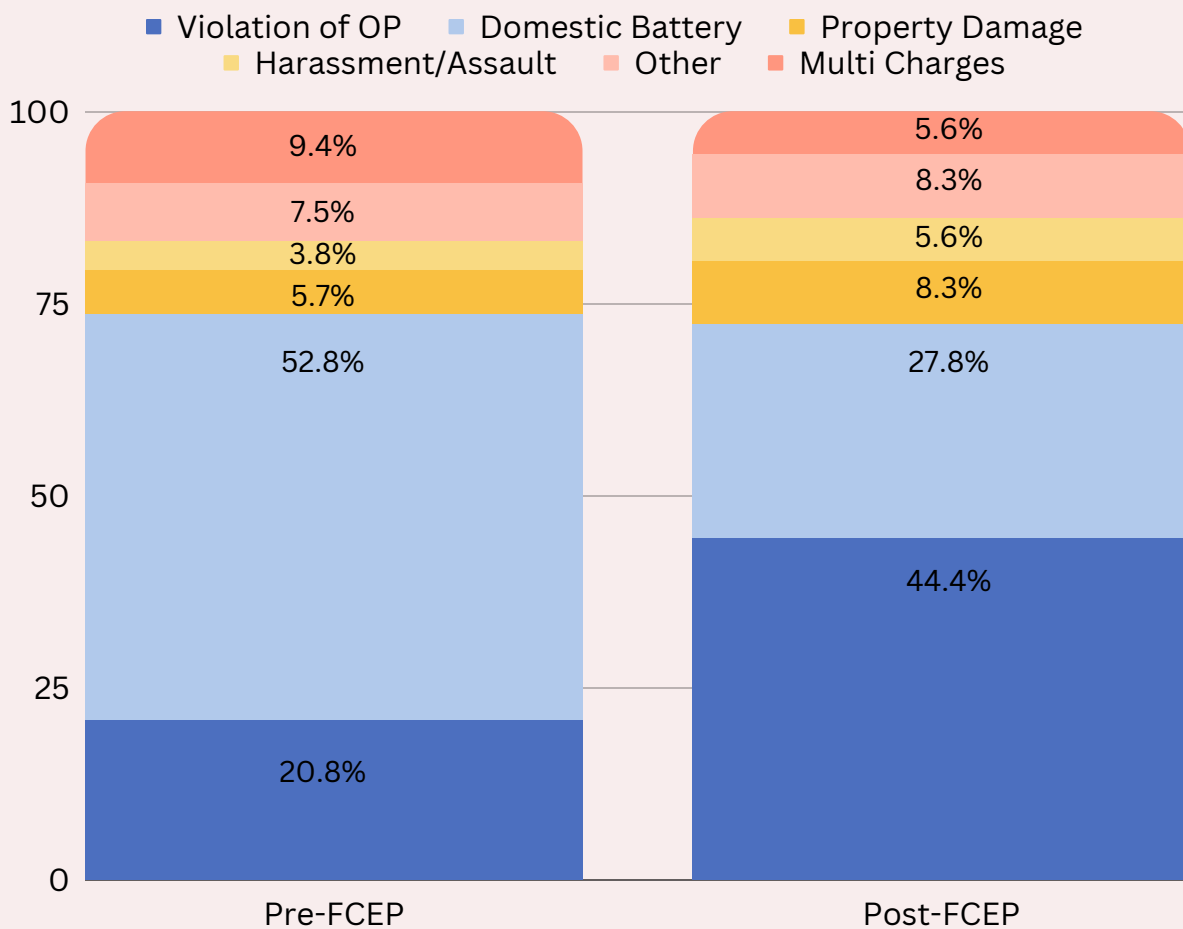




Differences in respondents criminally violating their Order of Protection pre- and post-FCEP.

When comparing the criminal violation rates of respondent litigants in 2017 within one year of their CRE-assisted civil OP to those of comparable cases in 2015 prior to the implementation of FCEP, there were slight changes in the types of criminal charges that violated OPs. In 2015, the violations were mainly due to incidents of battery/domestic battery (52.8%) whereas in 2017, the charges were mainly from violations of orders of protection (VOOP) (44.4%). This decline in the percentage of cases charged with battery/domestic battery had borderline statistical significance.

Criminal Violations within 1 Year of OP by Charge Type



CONCLUSION

CULTURE SHIFT AT THE COURT

Overall, these findings indicate some cultural shift in the Domestic Violence courthouse as a result of the Family Court Enhancement Project. There have been increased discussions of child-related issues, requests for child-related remedies, and approaches to decision-making and advocacy that have slowly become an overall practice in the court among judges, attorneys, advocates, court staff, and litigants. While the research and evaluation focused on impacts related to the FCEP model, the court experienced other transformations that were immeasurable and spanned beyond its implementation in 2017. The model included the SAFeR trainings, the CRE, and informational materials, but the impact of the development, implementation, and sustainability of the FCEP model cannot be fully captured just in these three elements and just within the short timeframe of its first year in the courthouse.

During the development of FCEP, much time was spent with the provision of technical assistance training by OVAW consultants, stakeholder and management meetings convened by the DV court, as well as exploratory surveys, interviews, and focus groups with court personnel regarding their observations of the court processes. These activities contributed greatly to the slow shift happening within the court. The conversations engendered through these venues considered current practices and policies around child-related relief as well as identifying needs within the court that would improve information sharing and deliberation of child-related issues. The FCEP planning began in 2013 and continued until it was implemented in 2016/2017, so judges, advocates, and attorneys were primed to start considering child-related issues and relief well before FCEP was finally implemented within the court.

As noted in the findings above, attorney and advocate assisted petitioners requested child-related remedies at high rates in 2015 and this remained high in 2017 suggesting a possible “ceiling effect.” Indeed, we can infer that the change in knowledge and practice for attorneys and advocates around child-related relief began earlier than 2015 with the discussions and planning among attorneys, advocates, and judges that occurred during the OVW technical assistance phase in 2013. Therefore, the changes within the court with regards to child safety considerations both in the OP petitions and the court deliberations occurred over a longer period of time and became institutionalized once FCEP was fully implemented at the court. The culture change within the court environment and acceptance of child-related considerations in court policies were nurtured over the larger span of FCEP development.

MOVING FORWARD

After reflecting on the research and evaluation of the Family Court Enhancement Project, it is important to consider elements of the FCEP model to sustain within the Domestic Violence Court and expand opportunities for court personnel growth and systemic support for litigant parents and their children.

SAFeR Trainings for Court Personnel



Accessible informational materials



Expanding the role of the Child Relief Expediter



Increasing capacity of court personnel



System of litigant resources and social worker



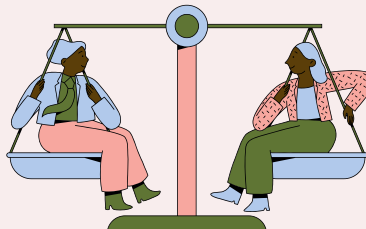
Training for safe visitation supervisors



Consistent reflective discussion among court personnel



Required DV training and feedback for judges



Annual evaluation of court practices

