



# **Illinois Family Violence Coordinating Councils**

## ***Domestic Violence Court System Self-Assessment***

**July 2006**

The purpose of the self-assessment is to empower local domestic violence court systems by providing a tool for them to evaluate the capacity of their system and identify whether the outcomes they desire are being met.

## **Section 1. Domestic Violence Court Procedures**

What is the description and purpose of your Domestic Violence Court?

### Safety

Are courtroom personnel within the courtroom/courthouse regularly trained on safety issues?

Is a bailiff present during all domestic violence related proceedings?

Do safety provisions exist for monitoring entrances and exits for weapons, threatening behaviors, etc.?

Does parking lot security exist? Is an officer available to escort a victim to the parking lot?

Is there a separate waiting area for the victim and the offender?

### Structure

What days/times is the Domestic Violence Court in session?

How are judges assigned to Domestic Violence Court?

How many judges are hearing domestic violence related cases (including Emergency Orders of Protection, Plenary Orders of Protection, misdemeanor, felony, and juvenile cases)?

Are each of those judges trained on the same procedures and the dynamics of domestic violence?

Do the judges hearing domestic violence cases have access to a domestic violence bench book?

Are Orders of Protection heard in the Domestic Violence Court?

Are criminal cases heard in the Domestic Violence Court?

What types of domestic violence related criminal cases are heard in the Domestic Violence Court in addition to domestic battery (e.g., criminal damage to property, criminal trespass, child abduction, etc.)?

Are the same personnel assigned to the Domestic Violence Court on an ongoing basis? Clerk? Victim Witness Coordinator? Judge? Bailiff? Advocates? Assistant State's Attorney? Public Defender?

What is the procedure for assigning cases to Domestic Violence Court?

Is a written document on court procedures given to the petitioner and respondent?

Is there anything in writing for the victims regarding services?

### Orders of Protection (OP)

What percentage of OPs are heard in a civil proceeding?

What percentage of OPs are heard in a criminal proceeding?

Are all remedies available regardless of whether the OP is filed civil or criminal?

What is the average amount of time before the petitioner appears before a judge after filing out the petition for an Emergency Order of Protection (EOP)?

How does an EOP get heard when the Domestic Violence Court is not in session?

Does the same Domestic Violence Court judge hear the EOP anyway or is it assigned to any available judge (i.e., could it be heard in the midst of traffic court)?

How does a petitioner obtain an EOP on nights, weekends, and holidays?

Does an agreement exist providing for a victim advocate to be present when EOPs are being obtained on nights, weekends, and holidays?

To what extent are EOPs being denied in preference for serving notice and holding a Plenary Order of Protection (POP) hearing?

When serving notice, generally, how much time elapses between when the EOP was denied and when the POP hearing is set?

Is the victim aware that notice is being served, so that the victim has time to find a safe place?

What is the procedure for a petitioner to vacate an Order of Protection?

Do the EOPs receive a specific OP file number regardless of the kind of case it is filed with (e.g., criminal, divorce, etc.)?

Is there a *pro se* procedure for victims to seek enforcement of the order of protection remedies (civil or criminal) utilizing a contempt process?

### Domestic Violence Advocates: Role

Are domestic violence advocates routinely present in the courtroom?

What is the court policy permitting domestic violence advocates to sit at counsel table with the petitioner?

Is space designated for the domestic violence advocates to assist petitioners in filling out Order of Protection (OP) paperwork?

Does the judge receive all the case files related to the petitioner and/or the respondent (plaintiff/defendant)?

Are mutual orders of protection granted and under what circumstances?

What is the procedure for a judge to determine whether both parties have requested an OP?

### Criminal Procedures

How are additional charges handled which are filed concurrent with domestic battery charges (e.g., criminal trespass, child abduction, criminal damage to property)?

When the underlying case is dismissed or settled, is the OP (obtained with a criminal or divorce case) also dismissed?

### Bond Procedures

Do domestic violence defendants have to have bond set by a judge? (Supreme Court Rule V sets forth that bond procedures in domestic violence misdemeanor cases need to be the same as bond procedures for felony cases.)

Is a procedure in place to notify the victim of the bond hearing?

What is the procedure that makes it possible for victims to attend and/or testify at the bond hearing if they choose (i.e., someone notifies them, someone interviews the victims regarding the offender's dangerousness, etc.)?

Is a procedure in place that provides for the attendance of victim advocates at domestic violence related bond hearings?

What is the procedure for notifying the victim when an offender has posted bond and is released from jail?

### Partner Abuse Intervention/Monitoring

Do status hearings exist for those who have been sentenced to a Partner Abuse Intervention Program (PAIP), Conditional Discharge or Probation?

In what kinds of cases is a PAIP considered to be a sentencing option?

Who monitors those mandated to attend a PAIP?

What procedures are in place for monitoring those mandated to attend PAIP?

### Diversion

Is there a diversion program?

Describe the diversion program: What is its purpose?

What are the elements of the diversion program?

What types of defendants are allowed the option of diversion?

How are diverted defendants monitored?

What kinds of screening take place pre- and post-participation in the diversion program? Are defendants screened into diversion based on appropriateness (e.g., severity of the crime, previous criminal offenses)?

### Case Management

Does the domestic violent court have an advisory committee made of representatives of all the systems and agencies that participate? (e.g., Circuit Clerk, Domestic Violence Program, Sheriff, State's Attorney, Judge, Law Enforcement, Public Defender, Partner Abuse Intervention Program, etc.)

### Service

Are OPs served on the respondent/defendant in open court?

What documentation is given to the Sheriff's Office for entry into LEADS when an OP is served in open court?

## **Section 2. Judicial**

### Training/Resources

Is any special training or orientation given when a judge is newly assigned to Domestic Violence Court?

Does the judge attend any domestic violence training?

Does the judge have a copy of the Domestic Violence Bench Book?

How does the judge receive new laws and updates related to domestic violence?

### Role of the Domestic Violence Program

Does the judge allow domestic violence advocates to sit at counsel table with the victim?

If victims are having difficulty speaking on their own behalf is the domestic violence advocate allowed to assist them?

Is the judge aware of where the local domestic violence program(s) is(are) located?

When a victim does not have a domestic violence advocate or attorney, does the judge inform the victim of available services?

Are Order of Protection petitions filled out consistently with the necessary information?

What percentage of *pro se* petitioners are accompanied by a domestic violence advocate? At the emergency hearing? At the plenary?

Does the judge refer the *pro se* petitioner unaccompanied by a domestic violence advocate to the local domestic violence program service?

### Courtroom Procedures

Are the victim and offender separated in the courtroom without opportunity for eye contact or other type of contact?

Is attention paid to whether it is possible for people with disabilities or elderly to negotiate the physical elements of the court house/room?

Are the emergency and/or plenary hearings recorded?

When the respondent has been served, but does not appear for the plenary hearing, under what circumstances would the judge continue the hearing?

When the respondent is represented by counsel at the plenary hearing and the petitioner is *pro se*, does the judge ask the petitioner whether s/he would like the hearing continued to have time to retain counsel?

What is the procedure for extending OP's?

Does the judge refer the petitioner to legal assistance services?

Has the judge ever assigned a local attorney to represent the petitioner *pro bono*?

What follow up or status information is sent to the judge regarding defendants sentenced to Partner Abuse Intervention Programs, Conditional Discharge or Probation?

When temporary support is ordered for the petitioner and/or children, does the order require payment through the circuit clerk?

Do *pro se* procedures exist for victims to utilize contempt proceedings for violations of the OP? Do domestic violence advocates assist petitioners with filing *pro se* for a contempt hearing?

#### Case Coordination

Does the judge ask whether there are any related cases (e.g., paternity, divorce, criminal, juvenile)?

Is the judge aware of the Partner Abuse Intervention Programs in the area that are on the Illinois Department of Human Services' protocol approved list?

#### Coordination

Is the judge involved in the family violence coordinating council or the domestic violence court systems advisory council?

### **Section 3. State's Attorney**

Does the state's attorney have a protocol or policy for the handling of domestic violence cases?

Are law enforcement officers and domestic violence advocates trained on the protocol?

#### Role of Victim Witness Coordinator

Does the State's Attorney's Office have a victim witness coordinator?

Does the victim witness coordinator receive training on the dynamics of domestic violence?

Does the victim witness coordinator assist victims in filling out OP paperwork for criminal OP's?

Does the victim witness coordinator receive police reports in order to follow up with the victims?

Does the victim witness coordinator contact all victims when law enforcement responded – whether charges will be filed or not?

Does the victim witness coordinator track the outcome of domestic violence related cases?

Does the victim witness coordinator assist the prosecutor in gathering evidence (e.g., victim statements, police reports, etc.)

#### Assistant State's Attorney Assignment

Is there one or more assistant state's attorneys assigned to handle all domestic violence related cases (including misdemeanor, felony, criminal damage to property, trespassing, juvenile, child abduction, etc.)?

Are those attorneys handling domestic violence related cases trained in domestic violence issues?

Is there a procedure for assigning domestic violence related cases to the assistant state's attorney handling domestic violence cases?



### Orders of Protection

Does the State's Attorney's Office assist victims with obtaining OP's?

Are victims encouraged to seek OP's when criminal charges are filed?

### Procedures – Charging and Pleas

Do personnel from the State's Attorney's Office talk with the victim before a bond hearing?

What are the criteria for charging decisions in domestic violence cases?

Who makes the charging decisions?

How soon after arrest is the decision made regarding whether criminal charges will be filed?

Is the State's Attorney's Office practicing evidence based prosecution that is not dependent on the victim testifying (i.e., victimless prosecution)?

Are charges every filed against the victim if she refuses to testify? What is the rationale?

Are domestic battery charges ever pled to a lesser charge?

What are they typically pled to?

What are the criteria for allowing a plea to a lesser charge?

When a person has been previously convicted of domestic battery, is a subsequent charge of domestic battery treated as a felony?

What procedures are in place to discover prior domestic violence related convictions?

Are original domestic batter misdemeanor charges upgraded to felonies when information becomes available regarding prior domestic batter convictions?

Is the victim consulted prior to any plea agreements?

Are charges ever dismissed at the request of the victim? If yes, under what circumstances?

Are victims subpoenaed?

If a victim is subpoenaed and does not come to the hearing is a warrant issued? If yes, under what circumstances?

If a victim recants her prior statements is the victim charged with perjury or filing a false police report?

How much time elapses from the start of a case to the disposition of a case?

What are the criteria for filing a petition to revoke probation?

## **Section 4. Law Enforcement**

### ***Local Police Departments***

#### Policy/Procedures

Do all of the law enforcement departments in the county have a domestic violence policy/protocol?

Is the policy/protocol county-wide or does it vary from department to department?

Is the policy/protocol pro-arrest or mandated arrest?

Has the number of women being arrested for domestic battery increased since the policy/protocol has been implemented?

Does the State's Attorney/s Office train law enforcement officers on the kinds of evidence needed for filing charges, as well as the State's Attorney's criteria or policy for filing charges?

Do the departments have a policy for officers arrested for domestic battery and other domestic offenses?

Does the department have a policy for officers who are respondents on an OP?

#### Training

Do the law enforcement departments receive regular training on domestic violence and on the dynamics of domestic violence from the Domestic Violence Program?

Are new recruits required to attend domestic violence training?

Do the policy/protocol and/or training assist officers in making a distinction between defensive and offensive wounds and behaviors (e.g. scratching and biting in response to being strangled)?

Does the officer's training include identification of the primary aggressor?

Which law enforcement departments receive updates on new laws and procedures related to domestic violence?

Do all officers receive updates in the laws and procedures?

### Full Faith and Credit/Firearms

What is the procedure for verifying an out-of-state order of protection?

What is the procedure for the law enforcement departments making an arrest on out-of-state OP?

What is the procedure for retrieving firearms when Remedy 14.5 is granted?

### Offenders

What is the specific county system for tracking offenders?

When responding to a domestic violence case, do law enforcement officers run prior criminal history through LEADS and NCIC, as well as the county system?

### Victims

Do the law enforcement departments provide victims with information about domestic violence services and OP's?

What mechanism is in place for follow-up with victims?

### ***Sheriff's Department:***

#### Policy/Protocols

Does the Sheriff's department have a domestic violence policy/protocol?

Is it the same policy/protocol as the local police departments?

Is the policy/protocol pro-arrest or mandated arrest?

Has the number of women being arrested for domestic battery increased since the policy/protocol has been implemented?

Does the department have a policy for officers arrested for domestic battery and other domestic offenses?

Does the department have a policy for officers who are respondents on an OP?

#### Training

Does the Sheriff's Department receive regular training on domestic violence and on the dynamics of domestic violence from the Domestic Violence Program?

Are new recruits required to attend domestic violence training?

Do the policy/protocol and/or training assist officers in making a distinction between defensive and offensive wounds and behaviors (e.g., scratching and biting in response to being strangled)?

Does the officer's training include identification of the primary aggressor?

Does the Sheriff's Department receive updates on new laws and procedures related to domestic violence?

Do all officers receive any updates in the laws and procedures?

Does the State's Attorney's Office train deputies on the kinds of evidence needed for filing charges, as well as on the State's Attorney's criteria or policy for filing charges?

### LEADS

Is there a written procedure for entering an Order of Protection (OP) into LEADS?

What is the procedure for the Sheriff's Office to obtain information missing from an OP form?

Are the OP's entered into LEADS within 24 hours of issuance?

### Service

What is the procedure for serving an OP?

Are they served 24 hours a day?

What is the average amount of time it takes to get an OP served?

What is the procedure for notifying the Circuit Clerk's Office when an OP is served?

Is the Circuit Clerk's Office notified when an OP is not served?

How many attempts are made to serve an OP?

What is the procedure for serving OP's out-of-county?

Are the Orders of Protection fully explained to the respondent when served?

### Full Faith and Credit/Firearms

What is the procedure for serving an OP out-of-state?

When there is a charge for serving Orders of Protection out-of-state, how is that handled?  
What is the procedure for having an out-of-state OP entered into LEADS?

What is the procedure for verifying an out-of-state order of protection?

What is the procedure for the department making an arrest on an out-of-state OP?

What is the procedure for retrieving firearms when OP Remedy 14.5 is granted?

### Offenders

Is there a county system for tracking offenders?

When responding to a domestic violence case, do law enforcement officers run prior criminal history through LEADS and NCIC, as well as the county system?

### Victims

Does the department provide victims with information about domestic violence services and OP's?

What mechanism is in place for follow up with the victims?

## **Section 5. 911 Dispatchers**

How much training do the dispatchers receive on domestic violence (e.g., dynamics, orders of protection, responding to victims and children)?

What is the retrieval procedure for the 911 tapes of domestic violence cases?

Are 911 tapes routinely used in the investigation of domestic violence cases?

## **Section 6. Circuit Clerk**

Is there a deputy clerk(s) assigned to process orders of protection (OP's) and assist victims with OP's?

Is there a deputy clerk(s) assigned to domestic violence court?

Is the same deputy clerk(s) routinely assigned to the domestic violence call?

What training is provided on domestic violence issues to deputy clerks assigned to OP's and/or domestic violence court?

What documentation is given to petitioners filing OP's *pro se* for violations of the remedies of an order of protection utilizing a contempt process?

What is the procedure for petitioners to file and serve notice to initiate a contempt process *pro se* for violations of an order of protection? Is it in writing?

Are petitioners being charged for any aspect of processing or duplicating orders of protection?

What is the justification for charging that outweighs the provisions of the Illinois Domestic Violence Act that provides for no charge?



## **Section 7. Domestic Violence Program**

### Orders of Protection

Are domestic violence advocates consistently present in the courtroom?

Are domestic violence advocates housed in the courthouse?

Do the domestic violence advocates assist victims with OP paperwork?

Do the domestic violence advocates assist victims returning for Plenary Order of Protection hearings?

Do the domestic violence advocates assist victims with the OP paperwork in a criminal proceeding?

Of the number of OP's granted in the county annually, with what percentage have domestic violence programs provided assistance?

For what reason(s) would the domestic violence program not assist a petitioner?

What procedure is followed by the domestic violence program for offering monetary assistance to victims who cannot pay for the service of an Order of Protection out-of-state?

What procedure is followed by the domestic violence program for offering monetary assistance to victims to print notice of orders of protection in the local newspaper?

Does the domestic violence program assist victims with filing proper documents to have the cost of notice by publication waived?

Does the domestic violence program work with the police department to make contact with a victim after a police call?

Do the domestic violence advocates meet regularly with the domestic violence judge to discuss courtroom procedures, etc.?

What is the procedure that domestic violence advocates use to refer clients for legal assistance?

Have the domestic violence advocates worked with the circuit clerk and judge to develop *pro se* procedures for victims to utilize contempt proceedings for violations of the OP?

Do domestic violence advocates assist petitioners with filing *pro se* for a contempt hearing?

### Victim Notification

Has the domestic violence program worked with the State's Attorney's Office and law enforcement departments to develop procedures for notification of victims and victim advocates of bond hearings?

Do the domestic violence advocates attend bond hearings?

Has the domestic violence program worked with the Sheriff's Office to develop procedures for notifying victims and victim advocates when a defendant is released from jail?

### Additional Proceedings

What procedure or protocol does the domestic violence program follow for providing victim advocacy in criminal proceedings that involve the offender and/or the victim?

What procedure or protocol does the domestic violence program follow for providing victim advocacy in juvenile proceedings?

### Tracking

What outcomes of criminal proceedings does the domestic violence program track?

What outcomes of juvenile proceedings does the domestic violence program track?

### Substance Abuse

Do the domestic violence program and the substance abuse provider receive training from each other?

Do the domestic violence program and the substance abuse provider coordinate case management and supervision when both are involved with the same client/family?

### Child Welfare

Do the domestic violence program and the children and family services agency receive training from each other?

Do the domestic violence program and the child and family services agency coordinate case management and supervision when both are involved with the same client/family?

## **Section 8. Probation**

Is there specialized handling of domestic violence cases by probation staff?

What training do probation officers receive in domestic violence issues?

Who is responsible for ensuring that there is coordination of the conditions of probation in domestic violence cases?

How is it determined which Partner Abuse Intervention Program (PAIP) the defendant will attend?

Does the probation department only utilize the services of protocol approved PAIP's?

### Compliance

What is the procedure for monitoring compliance with the PAIP for those ordered to attend the program?

When is the information regarding participation in the PAIP routinely given to the State's Attorney's Office?

How is non-compliance defined?

How was the definition determined?

Is it a definition jointly agreed to by the judge, state's attorney, probation, and the PAIP?

How many times is a defendant allowed to re-start the PAIP without additional sanctions?

What is the procedure for monitoring compliance for those ordered to attend substance abuse services?

What are the consequences for non-compliance with court ordered partner abuse intervention services?

What happens if the probationer is not accepted by the PAIP?

Are status hearings routinely scheduled for those ordered to attend PAIP and/or substance abuse services?

What is the protocol for communication between the PAIP, the substance abuse provider and probation when a defendant is ordered to attend both?

## Revocation

What is the criteria for asking the State's Attorney's Office to file a petition to revoke probation?

What procedure is utilized by probation to formally seek probation revocation?

Does the victim receive notification if the defendant has dropped out or been disqualified from the PAIP?

What is the protocol for communication between the PAIP, the substance abuse provider and probation when a defendant is ordered to attend both?

## **Section 9. Legal Assistance**

Is legal assistance available?

What are the legal services available for domestic violence victims who qualify for legal assistance?

What are the criteria for a domestic violence victim to qualify for legal assistance?

Is there a specific legal services attorney assigned to domestic violence related cases?

What is the legal services policy regarding domestic violence cases (e.g., priority, etc.)?

How are victims referred to legal assistance?

Are victims able to sign up for legal assistance at the courthouse?

Is there a waiting list for domestic violence victims to receive services?

Are the legal assistance attorneys trained on the dynamics of domestic violence and other domestic violence related issues?

Is there a list of attorneys who may be willing to provide *pro bono* services to victims of domestic violence?

Do the legal assistance attorneys participate in the family violence coordinating council and the domestic violence court system advisory council?

## **Section 10. Public Defender**

Is a specific public defender assigned to domestic violence related cases?

Is the public defender familiar with the specialized services available for offenders and victims?

Does the public defender participate on the family violence coordinating council and the domestic violence court system advisory council?

Have the public defenders received training on the dynamics of domestic violence and other domestic violence issues?

## **Section 11. Partner Abuse Intervention Program**

Is the offender ordered formally and in writing by the court to attend the PAIP or is the referral from probation without a court order?

What is the protocol for communication between the PAIP and the substance abuse provider when a defendant is ordered to attend both?

How many times is an offender allowed to “re-start” the program? Under what conditions? Is this “re-start” policy defined in a written policy or protocol?

Does the PAIP offer groups for women who have been arrested for domestic battery?

What is the protocol for screening domestic violence victims out of an offenders group? Does the screening occur before trial or after conviction?

Who notifies the victim when the abuser has dropped from or been removed from the PAIP?

Does the PAIP report subsequent incidents of domestic battery to the judge and/or probation?

Is the PAIP on the Illinois Department of Human Services protocol approved list?

Does the PAIP receive training and supervision from the local domestic violence program?

## **Section 12. Data and Tracking**

Who provides the Sheriff's Office LEADS staff with OP paperwork including any extensions and modifications?

How quickly is LEADS information updated?

Is there a county system for tracking criminal cases?

Is there a county system that includes criminal history?

What is the procedure for tracking orders of protection (e.g. number of EOP's, IOP's, POP's)?

What is the procedure for tracking domestic violence related arrests?

What is the procedure for tracking domestic violence related charges?

What is the procedure for tracking domestic violence related dispositions?

How does your system utilize the data it tracks to determine how the system is functioning?



### **Section 13. Substance Abuse**

Do substance abuse providers participate in the domestic violence court system?

Are defendants ordered to participate in drug and alcohol abuse screening? When the screening reveals a substance abuse problem are they, then, required to attend treatment?

Is a substance abuse provider available in the courtroom or at the courthouse for defendants to sign up for screening at that time?

Do the substance abuse providers have staff present at compliance hearings?

Do the substance abuse providers communicate with probation regarding those sentenced to substance abuse treatment in order to ensure compliance?

Do the substance abuse providers communicate with the PAIP?

Do the substance abuse providers participate in the domestic violence court system advisory council and/or the family violence coordinating council?

Do the substance abuse provider and the domestic violence program receive training from each other?

Do the substance abuse provider and the domestic violence program coordinate case management and supervision when both are involved with the same client?

## **Section 14. Visitation Exchange**

When visitation is granted to the respondent, is a safety plan developed for safe exchange?

When visitation is granted to the respondent, what resources are available to ensure a safe exchange?

Does the county have a visitation exchange center?

Is the circuit clerk faxing the visitation court orders to the center?

What security measures are in place at the visitation exchange center?

Is staff trained on domestic violence issues?

Is staff paid or volunteer?

What kinds of information does your exchange center keep?

Does the exchange center communicate with the court when there are problems with an exchange (e.g., the custodial or non-custodial parent does not show up at designated time)?

Are participants informed during court that there will be a record kept of each exchange and problems will be communicated to the court?

How is the exchange center funded?

Does the exchange center charge clients to use its services?

Is that fee a sliding scale?

What are the days/hours available for exchange?

Does the exchange center have a representative on the family violence coordinating council or the domestic violence court system advisory council?

Does the exchange center staff and volunteers receive training from the domestic violence program and the substance abuse program?

## **Section 15. Mediation**

Are victims and perpetrators of domestic violence exempted from participating in mediation by court rules, policies and procedures?

If the mediation is mandatory with no exemptions what provisions are made for victim safety?

Is the mediator made aware of any past violence in the relationship of the case being mediated?

Are mediators on the court's list trained on domestic violence issues and dynamics? Do they have experience working with high-risk domestic violence cases?

Are the mediators trained in substance abuse issues?

Is the domestic violence court referring any mediation to those mediators who are trained and experienced in handling domestic violence cases?

## **Section 16. Child Welfare Agency**

Have the child welfare agency staff and the domestic violence program staff participated in cross training?

Do the child and family services agency and the domestic violence program coordinate case management and supervision when both are involved with the same client/family?

Does the child welfare agency have a representative on the domestic violence court system advisory council and the family violence coordinating council?

## **Section 17. Coordination**

What agency protocols exist and how were they developed (with input from all of the agencies that interact with a particular agency)?

Have all of the protocols, policies, and procedures been analyzed to determine whether there are any holes or overlaps that might create difficulties?

Are the protocols, policies, and procedures integrated in a way that all of the systems, agencies, and services know what to expect of each other, and when, and under what circumstances?

Does the domestic violence court system advisory council meet regularly?

Are all the parties present at the table when the advisory council meets?