

Schiller DuCanto & Fleck Family Law Center

Civil Orders of Protection: 2006

Plenary orders of protection were declining in Cook County

Plenary orders of protection provide greater long-term protection for abused individuals.

In 2003, 18% of all emergency orders in Cook County in civil courts were made plenary; in 2004, the percentage dropped to 15%. In Chicago (District One), only 7%, or 658, of all emergency orders of protection in civil court became plenary orders in 2004.

We present tables below of emergency, extensions, and plenary orders for calendar years 2004, 2005, and 2006. In 2005 and 2006 in Chicago (District One), the number of plenary orders in civil courtrooms almost tripled, and for all of Cook County the percentage of plenary orders in civil courtrooms rose to almost 30%. It is difficult to establish what an acceptable percentage of plenary orders over emergency orders should be. Although this increase reflects efforts made by the courts over the past two years to improve the ratio, the number of orders that are extended is cause for concern. These extensions demonstrate that large numbers of victims are coming back to court at least once after the emergency order and are seeking to proceed to a plenary order. That more of these extensions are not being converted to plenary orders means that further efforts are required.

Victims of abuse by family or household members may file for an order of protection on an emergency basis, seeking an order to prevent further abuse. Emergency orders can be issued *ex parte*, without the respondent in court, but orders lasting longer than 21 days cannot be issued without the alleged abuser receiving service of the court documents and having the opportunity to appear in court.

If the petitioner does not return, the emergency order expires and cannot be referenced by police officers in the computerized system to result in an arrest for their violation.

Service difficulties can prevent emergency orders and their extensions from turning into plenary orders that can last up to two years. If, however, service cannot be effectuated, the case can proceed through publication. It is also important to remember that for some victims it may be unsafe to continue to pursue the plenary order; there may also be the perception that the emergency order has had the desired effect, with further litigation causing greater safety difficulties. Victims must always be the judge of their own safety. On the other hand, it is important to make certain that victims have good information about their choices and have support from the legal system to pursue plenary orders of protection if they need them.

Orders of Protection Cook County 2004: Civil Courts

	<u>Emergency</u>	<u>Extensions</u>	<u>Plenary</u>
District One	8,704	5,856	658
District Two	379	362	145
District Three	648	352	276
District Four	596	198	109
District Five	321	139	132
District Six	801	173	212
Child Support	409	164	189
TOTAL	11,863	7,244	1,721

Orders of Protection Cook County 2005: Civil Courts

	<u>Emergency</u>	<u>Extensions</u>	<u>Plenary</u>
District One	5,552	3,994	1,623
District Two	462	381	186
District Three	606	422	222
District Four	549	136	138
District Five	284	177	135
District Six	1,320	137	280
Child Support	201	4	77
TOTAL	8,978	5,251	2,662

Orders of Protection Cook County 2006: Civil Courts

	<u>Emergency</u>	<u>Extensions</u>	<u>Plenary</u>
District One	6,647	4,717	1,806
District Two	370	277	154
District Three	570	390	222
District Four	542	316	317
District Five	289	222	110
District Six	1,940	178	271
Child Support	250	9	101
TOTAL	10,608	6,109	2,969

District One: Chicago	District Two: Skokie	District Three: Rolling Meadows
District Four: Maywood	District Five: Bridgeview	District Six: Markham

Survey of Cases Dismissed

To obtain more information, we examined a total of 337 cases files that were dismissed in one of the civil courtrooms in the Domestic Violence Courthouse. These cases had been dismissed for failure to proceed in October and November, 2005, and May and June, 2006. The files do not, of course, tell us why the petitioner did not return.

In about 30% of all the cases in which the petitioner and the alleged perpetrator were living in the same home, the abuser

had moved out by the time service was attempted, indicating perhaps that the emergency order may have had its intended effect, even though it could not be formally served.

However, about 30% of all the cases dismissed can be considered cases with a high level of danger to their petitioners. These involved petitioners who have had a gun held to their head, had been shot at, knifed, kicked, hit with a car, left with a fractured jaw, strangled until vision was lost,

or left with 100 stitches-and then not seen again in court.

If judges could “red tag” serious abuse cases, and if resources were available, advocates or court interns could follow-up before the court date to advise victims of their rights, encourage them to appear, and assist in linking them up with safety planning and other counseling resources at the court.



DEPAUL UNIVERSITY

COLLEGE OF LAW

Schiller DuCanto & Fleck Family Law Center

25 East Jackson Boulevard, Chicago, Illinois 60604

www.law.depaul.edu/family