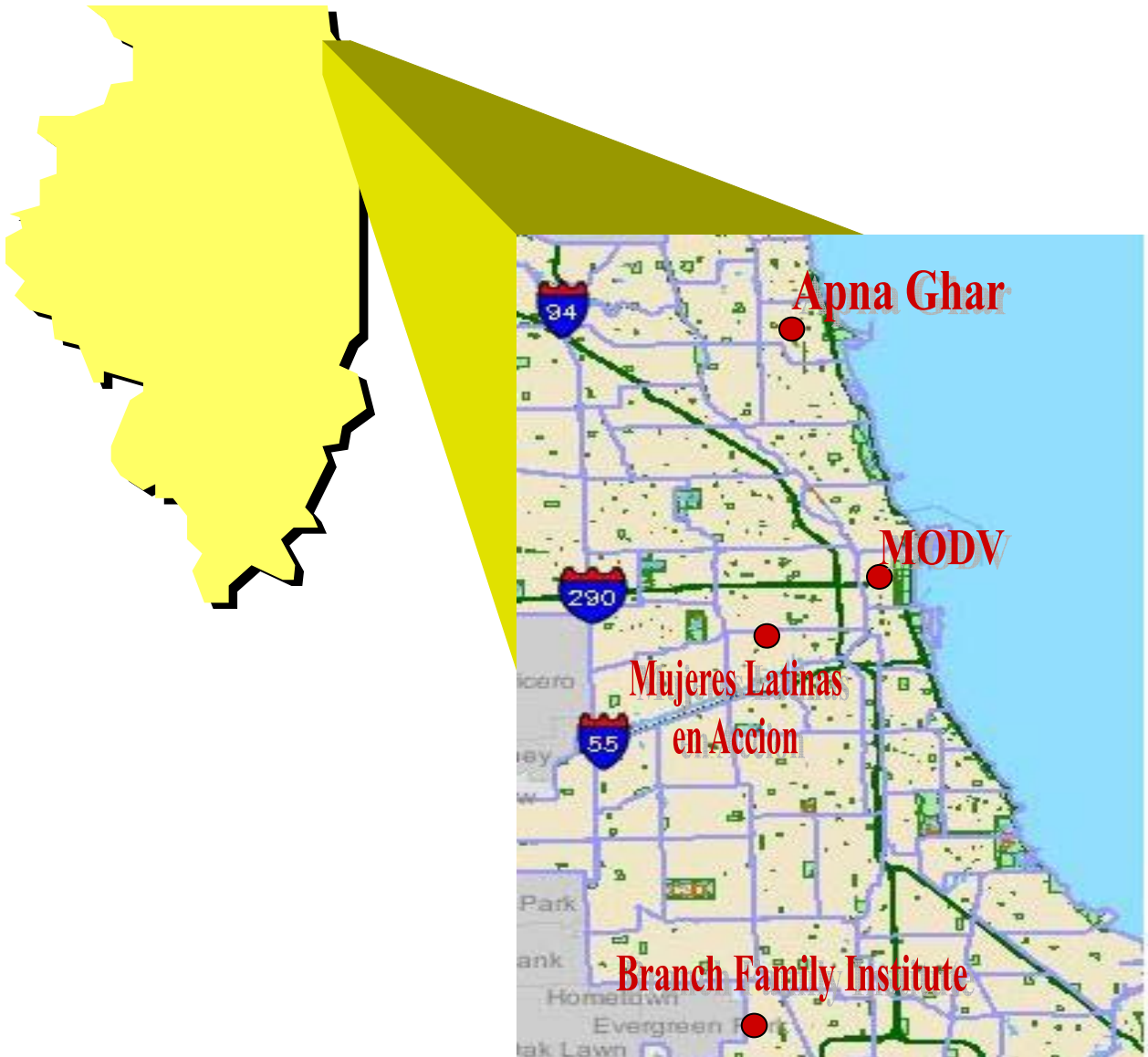


MAYOR'S OFFICE ON DOMESTIC VIOLENCE CITY OF CHICAGO, ILLINOIS



MODV = Mayor's Office on Domestic Violence, City of Chicago

DEMONSTRATION SITE PROFILE

City of Chicago, Illinois

Grant Administrator:

Chicago Department of Human Services

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The Mayor's Office on Domestic Violence (MODV) in collaboration with the Chicago Department of Human Services coordinates with the Domestic Violence Advocacy Coordinating Council (DVACC). DVACC is composed of key systems leaders, nonprofit domestic violence service providers and community representatives and will serve as the advisory committee under the demonstration initiative. The Chicago Department of Human Services collaborates with the MODV, the Chicago Metropolitan Battered Women's Network, the Illinois Department of Human Services, the Illinois Department of Children and Family Services, criminal and civil courts, police districts, attorneys and prosecutors, churches, community faith leaders and others to expand the geographic areas services and scope of the services provided.

MODV is using their Safe Havens grants funds to enhance the services of three visitation centers within the City of Chicago to:

- Implement a new program on the South side of Chicago
- Expand supervised visitation and safe exchange services on the West and North sides of Chicago by securing additional space, expanding hours of operation and space
- Collaborate with the courts, domestic violence, and sexual assault agencies and nonprofit legal service providers for referrals
- Train staff on domestic violence, sexual assault, and children's issues
- Ensure proper security measures are undertaken
- Create a standardized service protocol among all the visitation centers.

Visitation Center:

Apna Ghar (Our Home)
Bob Gallenbach
Supervised Visitation
Supervisor
4753 N. Broadway #518
Chicago, IL 60640
(773) 334-0173
rgallenbach@apnaghar.org

Located on the North Side of Chicago, Apna Ghar provides shelter, counseling, case management and legal advocacy to primarily South Asian victims of domestic violence. In 1991, Apna Ghar began providing free, one-on-one supervised visitation and safe exchange services to non-DCFS involved families who have histories of domestic violence. Apna Ghar's supervised visitation center is able to provide bilingual services to South Asian families; approximately 12% of their visitation clients are Asian. Currently, Apna Ghar's supervised visitation center has two visitation rooms and 1.5 FTE domestic violence trained visitation staff.

Located on the West Side of Chicago, Mujeres Latinas en Acción (Mujeres) provides bilingual and bicultural domestic violence and sexual assault services to Latina women and their children. In 2001, Mujeres took over the operation of the West Side supervised visitation center. Currently, Mujeres provides free, one-on-one supervised visitation services to non-DCFS involved families who have histories of domestic violence. Mujeres' visitation center is in a temporary location until the agency completes construction on their new building. Once construction is done, the agency's domestic violence program will move into the new location and the supervised visitation center will permanently move into the agency's existing site. Mujeres has one supervised visitation room and 1.5 FTE, domestic violence trained visitation staff. Approximately 60% of Mujeres' supervised visitation client population is Latino/a.

Visitation Center:

Mujeres Latinas en Acción
Helena Sugano
Parent Support Coordinator
1701 West Superior
Chicago, IL 60622
(312) 226-1544
helena@mujereslat.org

Visitation Center:

The Branch Family Institute
Brenda Thompson
9730 S. Western Ave, Ste 741
Evergreen Park, IL 60805
(708) 346-6105
BThom30972@aol.com

The Branch Family Institute

Located on the South Side of Chicago in Evergreen Park, the Branch Family Institute (BFI) is a non-profit family service center that has been providing counseling and support to families since 2000. In 2002, BFI contracted with the Chicago Department of Human Services to begin operating a supervised visitation center. Currently, BFI provides free, one-on-one supervised visitation and safe exchange to families with histories of domestic violence. The supervised visitation center is staffed and run by professionally trained and licensed social workers, however, the agency is not providing therapeutic visitation services. BFI has two supervised visitation rooms and 1.5 FTE domestic violence trained visitation staff. Approximately 50% of BFI's supervised visitation client population is African American.

LEGAL CONSIDERATIONS¹

COURT RULES

13.4 (g) Pre-Trial Phase – Provision concerning Mediation (Domestic Relations Proceedings)

Ill. R. Cir. Ct. Cook. Co., R 13.4

This rule provides that the Domestic Relations Division judge may order mediation on any pre or post judgment contested issue of visitation and/or removal of the minor children from the state of Illinois. Before mediation may begin, the mediator shall screen for issues of family violence that has occurred in the past or is occurring on an ongoing basis and will have the duty to report child abuse and neglect, as well as acts or intent of violence against another. Also confidentiality does not apply to information that reveal evidence of child abuse and neglect, or an act of violence or intent thereof of one party against another that occurred during mediation.

STATUTES

The following statutes are found under the Illinois Marriage and Dissolution of Marriage Act:

§ 750 ILCS 5/607 Visitation

Subsection (a) provides that a parent not granted custody of the child is entitled to reasonable visitation rights unless the court finds, after a hearing, that visitation would endanger seriously the child's physical, mental, moral or emotional health. If the custodian's street address is not identified, the court shall require the parties to identify reasonable alternative arrangements for visitation by a non-custodial parent.

According to the subsection (c) the court may modify an order granting or denying visitation rights of a parent whenever modification would serve the best interest of the child; but the court shall not restrict a parent's visitation rights unless it finds that the visitation would endanger seriously the child's physical, mental, moral or emotional health.

Subsection (f) provides that unless the court determines, after considering all relevant factors that it would be in the best interests of the child to allow visitation, the court shall not enter an order providing visitation rights and pursuant to a motion to modify visitation shall revoke visitation rights previously granted to any person who would otherwise be entitled to petition for visitation rights under this Section who has been convicted of first degree murder of the parent, grandparent, great-grandparent, or sibling of the child who is the subject of the order. Until an order is entered pursuant to this subsection, no person shall visit, with the child present, a person who has been convicted of first degree murder of the parent, grandparent, great-grandparent, or sibling of the child without the consent of the child's parent, other than a parent convicted of first degree murder as set forth herein, or legal guardian.

¹ This information is provided as an overview of how the legal systems vary at each of the demonstration sites. It is highly recommended that the reader review the actual statutes, case laws, and court rules, before relying on this information. Additionally, this list may not be all-inclusive, may contain dated information, and is intended for educational and research purposes only.

§ 750 ILCS 5/607.1 *Enforcement of visitation orders; visitation abuse*

According to the subsection (a) visitation abuse occurs when a party has willfully and without justification: (1) denied another party visitation as set forth by the court, or (2) exercised his or her visitation rights in a manner that is harmful to the child or child's custodian.

Subsection (c) provides that in a visitation abuse action the court may modify the visitation order to specifically outline periods of visitation or restrict visitation; order supervised visitation with a third party or public agency; make up visitation of the same time period, such as weekend for weekend, holiday for holiday; and/or order counseling or mediation, except in cases where there is evidence of domestic violence.

The following statute is found under the Illinois Parentage Act of 1984:

§ 750 ILCS 45/13.5 *Injunctive relief*

Subsection (a) provides that the court, upon application of any party, may enjoin a party having physical possession or custody of a child from temporarily or permanently removing the child from Illinois. This notwithstanding, the court may, according to the subsection (c), decline to enjoin a domestic violence victim having physical possession or custody of a child from temporarily or permanently removing the child from Illinois. In determining whether a person is a domestic violence victim, the court shall consider the following factors:

- (1) a sworn statement by the person that the person has good reason to believe that he or she is the victim of domestic violence or stalking;
- (2) a sworn statement that the person fears for his or her safety or the safety of his or her children;
- (3) evidence from police, court or other government agency records or files;
- (4) documentation from a domestic violence program if the person is alleged to be a victim of domestic violence;
- (5) documentation from a legal, clerical, medical, or other professional from whom the person has sought assistance in dealing with the alleged domestic violence; and
- (6) any other evidence that supports the sworn statements, such as a statement from any other individual with knowledge of the circumstances that provides the basis for the claim, or physical evidence of the act or acts of domestic violence.

The following are found in the Illinois Domestic Violence Act of 1986 & Code of Criminal Procedure of 1963, respectfully:

§ 750 ILCS 60/214. *Order of protection; remedies*

§ 725 ILCS 5/112A-14. *Order of protection; remedies*

[The language of both statutes that refers to visitation as a remedy included in an order of protection is identical, although overall there are provisions where the statutory language differs].

Both statutes provide in the subsection (b) that the remedies included in an order of protection may include physical care and possession of a minor child; temporary legal custody and the determination

of visitation rights. The subsection (b)(7) provides that the court shall restrict or deny respondent's visitation with a minor child if the court finds that respondent has done or is likely to (i) abuse or endanger the minor child during visitation; (ii) use the visitation as an opportunity to abuse or harass petitioner or petitioner's family or household members; (iii) improperly conceal or detain the minor child; or (iv) otherwise act in a manner that is not in the best interests of the minor child. If the court grants visitation, the order shall specify dates and times for the visitation to take place or other specific parameters or conditions that are appropriate. No order for visitation shall refer merely to the term "reasonable visitation".

Subsection (b)(7) further provides that petitioner may deny respondent access to the minor child if, when respondent arrives for visitation, respondent is under the influence of drugs or alcohol and constitutes a threat to the safety and well-being of petitioner or petitioner's minor children or is behaving in a violent or abusive manner. In addition, subsection (b)(7) provides that should it be necessary to protect any member of petitioner's family or household from future abuse, respondent shall be prohibited from coming to petitioner's residence to meet the minor child for visitation, and the parties shall submit to the court their recommendations for reasonable alternative arrangements for visitation. A person may be approved to supervise visitation only after filing an affidavit accepting that responsibility and acknowledging accountability to the court.

Subsection (e) requires that denial of any remedy shall not be based, in whole or in part, on evidence that:

- (1) Respondent has cause for any use of force, unless that cause satisfies the standards for justifiable use of force
- (2) Respondent was voluntarily intoxicated;
- (3) Petitioner acted in self-defense or defense of another
- (4) Petitioner did not act in self-defense or defense of another;
- (5) Petitioner left the residence or household to avoid further abuse, neglect, or exploitation by respondent;
- (6) Petitioner did not leave the residence or household to avoid further abuse, neglect, or exploitation by respondent;
- (7) Conduct by any family or household member excused the abuse, neglect, or exploitation by respondent, unless that same conduct would have excused such abuse, neglect, or exploitation if the parties had not been family or household members.

CASE LAW

Radke v. Radke, 2004 Ill. App. LEXIS 528 (3d Dist. 2004)

After parents divorced, the father was granted extensive visitation rights over the 12 year-old daughter. As a result of an incident about the use of a phone and stopping the daughter from leaving the father's house, the mother was granted a plenary order of protection restraining the father from abusing, harassing, intimidating or interfering with the personal liberty of the parties' daughter. Although the Supreme Court recognized that the order of protection did not violate father's visitation rights it vacated the order because it found that the mother's intent when she petitioned for the order of protection was to limit the father's visitation and that the father's actions did not constitute harassment but rather reasonable direction of a child.

In re Marriage of Munger, 339 Ill. App. 3d 1104 (4th Dist. 2003)

The trial court issued an order of protection to the spouse against her husband and granted the husband supervised visitation of their daughter while she was in daycare. Shortly afterward the parents agreed that the father could have visitation arranged through private supervision service or as otherwise agreed by the parties. After the mother enrolled the child in a daycare center that better suited her unpredictable working schedule, the father contested the order of protection. The Appellate Court reaffirmed the order but eliminated supervised visitation. The Appellate Court found that the trial court modified the order of protection without a written motion to do so or prior notice to the mother, but it also found that the court had the authority to do so in accordance with the child's best interest.

People v. Taber, 329 Ill. App. 3d 1007 (1st Dist., 5th Div., 2002)

The trial court found the husband guilty of domestic violence and extended an order of protection, which prohibited the husband from having any contact with his children, for an additional 18 months. Since the domestic relations division granted the husband supervised visitation, the Appellate Court ruled that there is no further relief the court could grant him and declared moot the issue whether the trial court erred in issuing the order.

Wilson v. Jackson, 312 Ill. App. 3d 1156 (3d 2000)

A couple split shortly after the woman became pregnant. After the birth of the child the mother allowed the father unsupervised visitation. He filed for and was granted a plenary protection order alleging domestic violence and child abuse. The appellate court vacated the order because it found that the father's intent was not to prevent abuse, but to gain visitation. It further found that the trial court erred in finding mother abusive and that the court abused its discretion when it found that the mother interfered with the father's visitation rights. Under the Illinois statute (750 ILCS 60/214(c)(5)) the acknowledgement of paternity does not establish visitation rights; it is merely a precondition for visitation.

OTHER ANALYSIS

Privilege

The following information is research that was pulled in response to examining a specific aspect of privilege. That is, does an advocate-victim privilege exist in the state and if so, does it extend to visitation centers.²

General:

750 Ill. Comp. Stat. § 60/227 creates a privilege between domestic violence counselors and victims. It defines "domestic violence advocate or counselor" as any person (A) who has undergone a minimum of forty hours of training in domestic violence advocacy, crisis intervention, and related areas, and (B) who provides services to victims through a domestic violence program either on an employed or volunteer basis.

² This question was of interest as some of the centers are located in other organizations, like domestic violence agencies, hospitals, mental health providers, etc., and whether that fact can affect the privilege.

Safe Havens: Supervised Visitation and Safe Exchange Grant Program – Demonstration Initiative

750 Ill. Comp. Stat. § 60/227 defines “domestic violence program” as any unit of local government, organization, or association whose major purpose is to provide one or more of the following: information, crisis intervention, emergency shelter, referral, counseling, advocacy, or emotional support to victims of domestic violence.

Finally, 750 Ill. Comp. Stat. § 60/227 defines “confidential communication” as any communication between an alleged victim of domestic violence and a domestic violence advocate or counselor in the course of providing information, counseling, or advocacy. The term includes all records kept by the advocate or counselor or by the domestic violence program in the course of providing services to an alleged victim concerning the alleged victim and the services provided.

The statute does not define advocacy.

Specific to Supervised Visitation Centers:

Illinois does not have any statutes that are specific to supervised visitation centers and/or a privilege for supervised visitation centers.