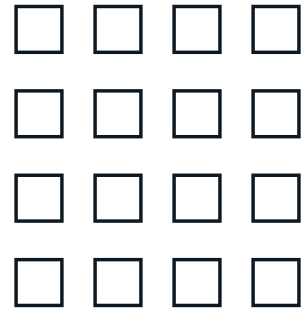
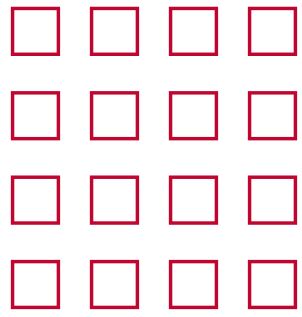
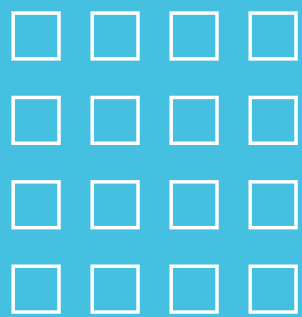


Final Report
December 2020

ACCESS TO AND MEANINGFUL PARTICIPATION IN FAMILY COURT



PARTICIPATION



**ILLINOIS JUSTICE
FOR ALL**

ILLINOIS SUPREME COURT COMMISSION

ACCESS

TO

JUSTICE

EDUCATION. SUPPORT. EMPOWERMENT.

*“Accept that self-represented litigants are here to stay.
Work with them. Create a self-represented litigant culture.”*

– An Illinois court interpreter

ACCESS TO AND MEANINGFUL PARTICIPATION IN FAMILY COURT

ILLINOIS JUSTICE FOR ALL

Final Report
December 2020

ILLINOIS SUPREME COURT COMMISSION

ACCESS

TO JUSTICE

EDUCATION. SUPPORT. EMPOWERMENT.

EXECUTIVE SUMMARY

Questions of parenting time, child support, allocation of parental responsibilities, parentage, and guardianship arise during times of family transitions and affect the well-being of the children at the heart of families. Because institutions like the Illinois Department of Healthcare and Family Services and Illinois State Board of Education, as well as medical providers require official documentation regarding responsibilities and obligations to the children, the state court system provides the principal avenue to memorialize relationships and agreements.

Intentionally or not, children often end up in the middle of their parents' separation or divorce proceedings as a result of the adversarial process, and are left in limbo when delays occur.

Intentionally or not, children often end up in the middle of their parents' separation or divorce proceedings as a result of the adversarial process, and are left in limbo when delays occur. Uncertainties can create and magnify anxiety in children, which increases the likelihood of negative consequences arising out of these court cases.

Family cases are unique because often there is not a true final resolution. Rather, parties frequently come back to the court to seek modifications to judgments or agreements based on new circumstances, to request that the court address new conflicts, or to resolve pre-existing conflicts that were not effectively

addressed the first time. Each time, parents must navigate court processes and procedures, usually with limited information at their disposal.

However, not every parent and guardian seeks the court's assistance, and some explicitly avoid the court system. These people often fall under two main umbrellas: (1) those who do not identify their child-related concerns as legal issues, so do not think of courts as an option; and (2) parents and guardians who see courts as unfamiliar, intimidating, and sometimes hostile to them and their interests.

Among people who are seeking civil justice in court (including family law courts), the number without lawyers now outstrips the number who are represented. Because legal professionals developed the court system, it is not inherently friendly to self-represented litigants. Nationally, there is a call for change, especially for self-represented litigants in family court. Yet, there is more that needs to happen—from the systemic to the granular—to make justice truly accessible to all.

Beginning in the fall of 2019, the Illinois Supreme Court Commission on Access to Justice and the Access to Justice Division of the Administrative Office of the Illinois Courts initiated the Illinois Justice for All project ("the project"). The National Center for State Courts (NCSC) provided vital support for strategic planning. With critical input and guidance from a Steering Committee and an Advisory Committee, the project has examined questions about how to take the next steps to increase access to justice in Illinois for those seeking resolution of a family law issue involving minor children.

The Steering Committee was created to focus and direct the project's development. It is made up of access to justice policy experts. The Steering Committee set the project's course:

To explore family law to determine if it could be modified to make it simpler and more streamlined for caregivers who cannot afford a lawyer.

To help families in the middle of transitions navigate the court process and secure essential resources.

The Advisory Committee provided subject-matter expertise. Specifically, the Advisory Committee included many different voices from various sectors of the family law process including judges, legal aid lawyers, private lawyers, scholars, service providers, and a state legislator.

The project included interviews of experienced family law practitioners, fathers, and self-represented litigants, in addition to surveys of court staff statewide, the creation of process maps, and collected and studied data. The findings and recommendations are as follows.

Findings in brief:

1. [Being self-represented is common and difficult](#)
2. [Courts are not a welcoming place](#)
3. [Labyrinthine processes must be made clear](#)
4. [Promising family court innovations are being tried across the state](#)
5. [Courts need to focus on customer service](#)
6. [Community connections are a must](#)

In 2021, the project will move from research and exploration to implementation.

Recommendations

In 2021, the project will move from research and exploration to implementation. Specifically, it will seek to expand self-represented parents' and guardians' understanding of practices and policies in family court related to children, in order to help them better prepare for court when that is their goal.

1. First, the project will take the next steps to make information more readily available in communities.
2. Next, an online tool will be created to simplify, clarify, and make more complete information available for self-represented litigants, from standardized forms to e-filing and process maps.
3. Because not everyone has access to electronic resources, the project will also create paper versions of the resources and distribute them in communities and courthouses.
4. The project will also consider areas ripe for statewide standardization of court practices and procedures.

Throughout implementation, the project will hold firmly to its commitment to identify and dismantle all forms of bias—racial, ethnic, socioeconomic, gender, and others—that impede access to justice for all. This principle, and others articulated in the body of the report, will serve as the basis for ensuring accountability in implementation.

This report summarizes the process undertaken over the last 14 months and how the data collected informed ultimate findings and recommendations for increasing access to justice for self-represented parents and guardians.

A SPECIAL THANKS



This project would not have been possible without a grant from NCSC as part of its Justice for All Project. These grants, which are funded by The JPB Foundation, The Public Welfare Foundation, The Kresge Foundation, and Open Society Foundations, have now been awarded to 14 states. The grants were created to pursue the following resolutions: meaningful access to effective assistance for essential civil legal needs, and for traditional and non-traditional stakeholders to collaborate to develop a comprehensive approach to achieve meaningful access to justice. For more information about the NCSC's Justice for All Project and to read reports from other states, please visit <https://www.ncsc.org/jfa>.

Additionally, this project would not have been possible without the time and expertise of the Advisory Committee. Despite all of the personal and professional challenges created by the pandemic, each Committee member gave hours of their time to inform this project. Their support has been essential and invaluable.

Illinois Justice for All Advisory Committee

Hon. Adrienne W. Albrecht

Circuit Judge
21st Judicial Circuit

Margaret Benson

Executive Director
Chicago Volunteer Legal Services

Megan Brady

Staff Lawyer, Co-Chair of Family Law Task
Force
Prairie State Legal Services

Benna Crawford

Director of Children and Families Practice
Group
Legal Aid Chicago

Hon. Colleen Daly

Circuit Judge
Circuit Court of Cook County, Rolling
Meadows

Susan LePeau DeCostanza

Lawyer
Rubin M. Garcia & Associates

Heather Dorsey

Assistant Director, Courts, Children and
Families Division
Administrative Office of the Illinois Courts

Ricardo Estrada

President and CEO
Metropolitan Family Services

Hon. Rossana Fernandez

Circuit Judge
Circuit Court of Cook County, Rolling
Meadows

Tanya Gassenheimer

Staff Lawyer
Shriver Center on Poverty Law

Dr. Kirk Harris

Founder/President and CEO
Parent and Community Technology and Law
Center

Hon. Robert Harris

Circuit Judge
Circuit Court of Cook County, Daley Center

Rep. Lisa Hernandez

Assistant Majority Leader
24th District Illinois State Representative

Caitlin Isbell

Staff Lawyer
Land of Lincoln Legal Aid

Miguel Keberlein

Executive Director
Legal Aid Society, Metropolitan Family
Services

Anna Mayer

Executive Director
Taller De José

Rena' Parker

Trial Court Administrator
10th Judicial Circuit

Hector Rivera

Counsellor
Catholic Charities of the Archdiocese of
Chicago

Hon. Elizabeth Rochford

Associate Judge
19th Judicial Circuit

Teri Ross

Executive Director
Illinois Legal Aid Online

Jason Sposeep

Senior Partner
Shiller, DuCanto & Fleck

Tamika Walker

Lawyer
DeRango & Cain, LLC

Sarah Watkins

Interim Library Co-Director
Marion Carnegie Library

PLANS, SHIFTS, AND EXISTING RESEARCH

Illinois is lucky to have no shortage of existing programs, services, committees, and organizations working to increase funding for legal aid, improve the Judicial Branch, and to promote access to justice. Specific to the needs of self-represented litigants, the Illinois Supreme Court established the Illinois Supreme Court Commission on Access to Justice (“ATJ Commission”) in 2012 and the Access to Justice Division of the Administrative Office of the Illinois Courts (“AOIC ATJ Division”) in 2014.

The mission of the AOIC ATJ Division and the ATJ Commission is to enhance access to justice for vulnerable litigants.

The mission of the AOIC ATJ Division and the ATJ Commission is to enhance access to justice for vulnerable litigants. The Court directed the ATJ Commission to complement existing efforts and to coordinate and collaborate with the state’s civil legal aid funders and service providers.

The initiatives of the ATJ Commission are guided by in-depth strategic planning and set forth in a three-year [strategic plan](#). Those initiatives include: the development of over 30 plain-language legal form suites in several areas of the law and a large body of self-help materials; judicial and court staff education on a variety of issues related to low-income and self-represented litigants; guidance materials for judges and court staff, including

a policy on legal information vs. legal advice; streamlining procedures; and promoting the training of and reliance on qualified interpreters. The ATJ Commission continues to find ways to support the growing number of self-represented litigants and to address related challenges.

The work under this grant started in October of 2019 with the creation of a Steering Committee.

Illinois Justice for All Steering Committee

Leslie Corbett

Executive Director
Illinois Equal Justice Foundation

Bob Glaves

Executive Director
The Chicago Bar Foundation

Lekisha Gunn

Senior Program Manager, Language Access and Community Trust
Administrative Office of the Illinois Courts

Mark Marquardt

Executive Director
Lawyers Trust Fund of Illinois

Samira Nazem

Director of Pro Bono & Court Advocacy
The Chicago Bar Foundation

Jill Roberts

Supervising, Senior Program Manager, Access to Justice Division
Administrative Office of the Illinois Courts

Justice Mary K. Rochford

Appellate Justice
1st District Appellate Court

Alison Spanner

Assistant Director, Access to Justice Division
Administrative Office of the Illinois Courts

The Steering Committee explored a variety of options for how to work towards achieving justice for all and noted areas of law with high concentrations of self-represented litigants to evaluate. The Committee narrowed its focus to family law and, in particular, issues that affect children. In early 2020, the project's lead consultant interviewed seven professionals (a family court judge, lawyers, a human services program director, and a county resource person for self-represented litigants), to get an early sense of the lay of the land for self-represented litigants with children.

Interviewees described an array of common difficulties encountered by self-represented litigants and by the courts they turn to. They also sketched a landscape in which a number of courts and advocates in Illinois are experimenting with new resources and approaches to meet the needs of parents seeking legal resolution as self-represented litigants.

The most frequently mentioned barrier for self-represented litigants reported by the interviewees was the layperson's challenge of understanding and working within the legal and procedural requirements of the court system.

Those interviewed reported that being unrepresented when the other party had counsel—and thus the knowledge and skills to move effectively through proceedings—was a frequent and frustrating disadvantage. Many of the surveyed court staff also alluded to this challenge.

Practical challenges abound. Mandatory e-filing is difficult, especially for those with limited technology skills or for those who lack internet access. Staying organized in the face of copious paperwork and protracted case timelines is onerous for some. Additionally, negative impacts on litigants' income and job performance can spring from: multiple court dates; court being open only on weekdays; scarce court-based childcare; and limited transportation options for those in more rural areas. Furthermore, qualified interpreters are not consistently available to people with limited English proficiency or to people with hearing impairments.

The surveyed experts said courts are also affected by the difficulties faced by self-represented litigants. Self-represented litigants can slow down courtroom processes, sometimes lack realistic expectations of the

Fundamentally, the biggest problem is that you are taking someone who knows nothing about the court system that is controlled by lots and lots of rules and people who know them. We're asking them to navigate on their own, so they begin with a severe disadvantage. It can be hard to grasp why certain things (such as service of process) are important, but it has to be done in a specific way and on a specific timeline, and if not, the case won't move forward. Service is difficult to understand. I didn't truly understand it until after law school, when I began practicing. Figuring out service is just the beginning of a string of challenges for people who are representing themselves.

– An Illinois family court judge

process, and necessarily lack the mediating influence of a lawyer. At times, judges are stymied by scant referral options for legal aid, counseling, substance abuse treatment, and other needed services that are affordable, readily available, and close at hand. A judge described frustrations with disputes between two self-represented parties who may present information that is unclear or incomplete, thus leaving the judge without full knowledge of the family's circumstances. Lawyers also said that family law is difficult because such cases require individual assessment and do not lend themselves to cut-and-dried resolutions because of the complicated nature of underlying facts and relationships.

Specific to Illinois, the highest numbers of self-represented litigants are seen in orders of protection cases and family law cases.¹

The project interviewed a judge in the 21st Circuit (Kankakee) and an attorney in the Circuit Court of Cook County. Both had deep expertise in child guardianship and the experiences of self-represented people in their locales. The judge formerly heard

¹ Illinois Courts Annual Report, 2019 found here: https://courts.illinois.gov/SupremeCourt/AnnualReport/2020/2019_Annual_Report.pdf



family law and guardianship cases, while the lawyer directs Chicago Volunteer Legal Services (CVLS), which plays a significant role in Cook County guardianship cases.

In Cook County, child guardianship cases are heard in the Probate Division's minor guardianship courtroom. Unlike the slow, often difficult process encountered by many self-represented litigants in family court, the approximately 6,000 guardianship cases heard per year tend to be resolved quickly and easily, in part because statutory requirements are less onerous. Under the Probate Act, the court has authority to award guardianship if the child resides within the county and the parents both consent, cannot be found, or have notice of the case and do not object. Cases become complicated when a parent objects or, later, seeks to terminate the guardianship over the objections of the guardian.

In most cases, parents either consent to guardianship or do not appear in court to object. In a very brief hearing for an initial guardianship, the judge asks petitioners a few questions to ensure that they are prepared to support the child. Child support is not awarded in a guardianship case. A party who wants or needs child support must file a custody or parentage case in the Domestic Relations division.

In the Kankakee court, judges presiding over guardianship cases hear family law cases in the same courtrooms. When the judge interviewed for the project last managed such cases, 70 to 80% included self-represented litigants; that percentage has continued to increase in recent years. Additionally, in half of all cases, neither party is represented.

Both experts said that the Illinois Department of Children and Family Services (DCFS) has opened fewer neglect and abuse cases and has sent more families to Probate Court to establish guardianship, noting that the court lacks the resources that are made available

through DCFS. DCFS places children with family members, and advises them to attain guardianship without information, guidance, or attorneys. As a result of DCFS' opening fewer neglect and abuse cases, caretakers are often at a complete loss in the courtroom.

Years ago, in response to the increase in cases, the Cook County court created a Help Desk, staffed by non-attorney judicial clerks, to assist people preparing and filing guardianships and subsequent petitions to discharge. CVLS is funded to oversee this work and to answer legal questions. Most people seeking guardianship in Cook County have used the Help Desk. Most are older Black women, including grandmothers and aunts who step in to care for children when parents cannot or will not. They tend to be very low-income, self-represented, and eligible for court fee waivers. (The court can be used by anyone, but those who are not low income usually hire an attorney, and attorneys often file in the Domestic Relations Division, likely because they are more familiar with Domestic Relations law and procedures.) In Cook County, there is a single Guardianship courtroom with one presiding judge; the court has calls twice each weekday.

When filing a petition for guardianship or to discharge, parties must consent to criminal and DCFS background checks. CVLS is appointed as guardian ad litem by the judge hearing guardianship cases if a parent or guardian objects to a petition or if either background check turns up information.

In the 21st Circuit, the majority of self-represented litigants are also older and low income; white and African American litigants are about equally represented. In contrast to Cook County, guardianship cases move along at a speed comparable to family law cases. This reflects a much smaller volume of cases downstate in comparison to Cook County's case numbers. The judge also noted that even with fewer cases, the circuit court has a significant need for more court-related resources: there is no mediation or public

guardian; guardians ad litem are assigned, but two of every three are pro bono; and parenting education and counseling are very limited. The judge recommended technological responses to improve the guardianship process, such as an online version of Lawyers in Libraries.² More and more lawyers in Kankakee are practicing transactional law only, and most of those now appearing in the Kankakee court live outside the county. To engage them online could greatly increase the pool of prospective attorney volunteers.

It would be useful to know the key factors that make Guardianship Court in Cook County so much easier for self-represented litigants to navigate than family court and how these elements could be incorporated into family court. Some possibilities are suggested above, but more research is needed to confirm these initial impressions.

In February of 2020, after considering the feedback from the interviews and after further discussions, the Steering Committee agreed to focus on parental legal issues, to examine the experiences of self-represented litigant court users, and to determine how courts and the community could better assist them as they seek legal solutions. The Steering Committee planned focus groups in several locations across Illinois consisting of self-represented litigants and the local community organizations that work with them, to implement an online survey of court personnel, and to map justice assets related to identified focus areas to better understand existing resources. The Steering Committee created an Advisory Committee of leaders of community and legal resource organizations; judges; lawyers in private practice and in public service; an elected state representative; a public librarian; and representatives of community and social service organizations.

² Lawyers in Libraries are free legal clinics staffed by pro bono attorneys on a regular schedule. They may provide presentations for groups, brief individual consultations, and question and answer time. In Illinois some have been temporarily cancelled during the novel coronavirus pandemic.

In March 2020, COVID-19 struck. The Steering Committee requested and was granted a three-month extension from NCSC, in hopes that the pandemic would pass. When it became clear that the coronavirus would endure, the Steering Committee considered how to make necessary changes to move forward. The Steering Committee realized that in-person Advisory Committee meetings were not possible and that it could not simply replace face-to-face focus groups with online alternatives, given the pervasive digital divide and a lack of broadband access in many parts of the state. With NCSC's support, the Steering Committee revised its approach.

The Steering Committee convened the Advisory Committee online, using tools that had been featured in a webinar series provided by NCSC. While not ideal, meetings on Zoom had become the norm and the adaptation was reasonably seamless. To further engage and learn from and with Advisory Committee members, the Steering Committee also devised four online lunch-and-learn sessions focused on: user-friendly tech, community partnerships, court-based interventions, and the community context in which courts operate.

To replace community focus groups, the Steering Committee turned to existing research about self-represented litigants in family court. The Steering Committee owes a debt of gratitude to earlier research, especially recent work about and recommendations from the self-represented litigants to be addressed, and research conducted by the Institute for the Advancement of the American Legal System (IAALS): [Cases](#)

[without Counsel: Research on Experiences of Self-Representation in U.S. Family Court](#) (May 2016) and [Cases without Counsel: Our Recommendations after Listening to the Litigants](#) (May 2016). The reports are comprehensive and grounded in nuanced qualitative research with 128 subjects interviewed across four different states. The demographic profile of interviewees was in all but one respect representative of Illinois' population; only Latinos/as were significantly under-represented in *Cases without Counsel*.

The Steering Committee used the reports as the foundation for understanding self-represented litigants and supplemented them with telephone interviews with Latino/a self-represented litigants. At the suggestion of an Advisory Committee member, so as to add to our understanding of why some parents avoid court, the Steering Committee also added one online Chicago focus group with low-income African American fathers who mostly prefer not to seek legal resolution in the courts. IAALS' interview protocols were adapted for the interviews and focus group, as well as for the originally planned online survey of court staff.

In addition, members of the Steering and Advisory Committees created process maps for three family law processes: minor guardianship, establishing parentage, and divorce with children. The work group first developed maps showing the complete, multi-step process and then created a simplified version.

Finally, a demographer consultant also provided state data relevant to the project.

PROJECT PRINCIPLES

Early on, the Steering Committee articulated a set of principles guiding its work:

- Commitment to increasing access to justice
- Value both community insight/experience/wisdom (including the voices of those directly affected by a lack of access to justice), and professional expertise
- Ask questions to help clarify the work
- Begin with expansive consideration, then focus to make decisions
- Emphasize collective decision-making
- Ensure that the project reaches courts and residents in multiple parts of the state

In the course of the project, the Advisory Committee confirmed the above and added:

- Recognize and dismantle all forms of bias—racial, ethnic, socioeconomic, gender, etc.—that impede access to justice for all



FINDINGS

A distillation of findings from the focus group, interviews, survey, and literature review process follows.

1. Being Self-Represented Is Common and Difficult

Three of five people with civil cases go to court without a lawyer, and in some family courts, 80 to 100% of cases include at least one self-represented litigant.³ In a judicial system designed for people represented by lawyers, difficulties are common both for those seeking justice without a lawyer, and for the courts that serve them.

Research shows that financial necessity and the inability to secure a legal aid or pro bono lawyer are the primary reasons that litigants are unrepresented. Lawyers' fees are significant: \$100 to \$200 per hour in small towns and rural areas, and \$200 to \$400 an hour in cities.⁴ Legal aid organizations across Illinois, including the state's three Legal

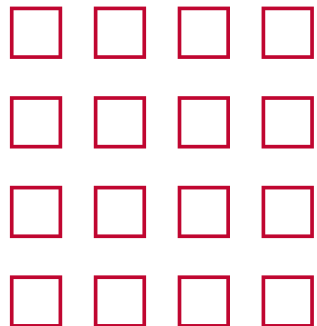
Services Corporation-funded organizations, are usually at capacity and unable to accept new cases, including family law cases, except on a limited basis, prioritizing those marked by family violence. There are fewer than 450 legal aid lawyers in the entire state providing free legal services for the poorest Illinois residents (1.6 million people—and growing in the current economic crisis). Seven of Illinois' 24 judicial circuits have no legal aid offices located within their boundaries. Outside of Cook County, there is only one legal aid lawyer for every 10,000 low-income residents.⁵

³ Self-Represented Litigation Network, "The Need" <https://www.srln.org/node/21/about-srln>

⁴ Illinois Legal Aid Online <https://www.illinoislegalaid.org/legal-information/how-do-lawyers-charge-their-services>

⁵ Illinois Supreme Court Commission on Access to Justice, Access to Justice in Illinois, November 2014, page 6.

There are fewer than 450 legal aid lawyers in the entire state providing free legal services for the poorest Illinois residents (1.6 million people—and growing in the current economic crisis).



Socioeconomic Determinants of Need

Information on the socioeconomic characteristics of Illinois families contributes to understanding the population that could potentially become involved with self-represented cases. A primary concern is the income level of families with children, as lower-income families are more likely to lack financial resources to hire an attorney. Other issues that might influence the rate of self-represented filings as well as the experience of the litigants include the number of families who do not speak English⁶, their education, immigration status, possession of financial assets, and access to technology.

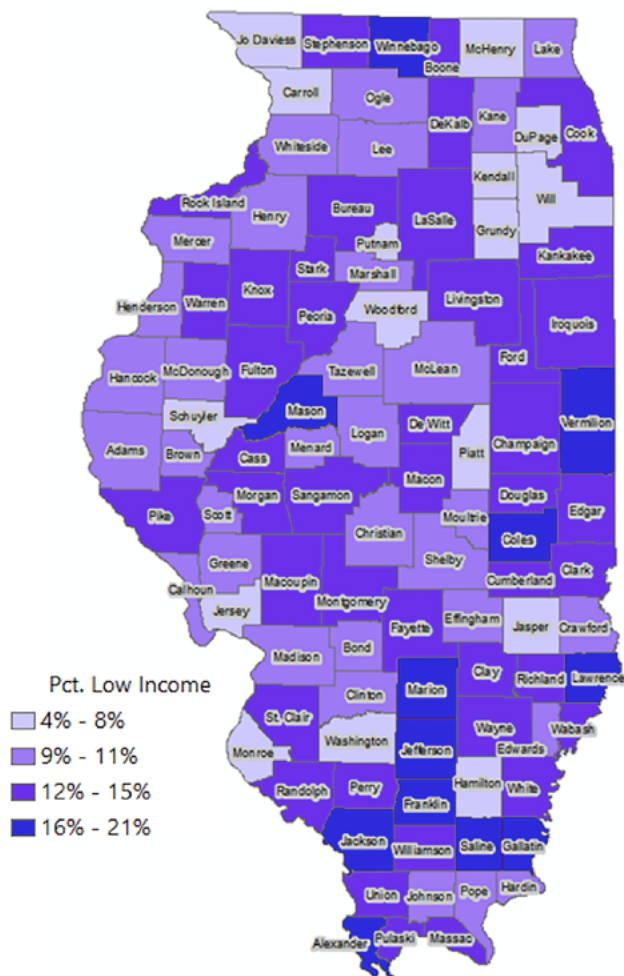
Here we examine the extent of families with children in Illinois who are also low income.

About 12% or one in eight Illinois families include children and have family incomes that are below 150% of the poverty level. For a family of three persons, 150% of the poverty level represents a maximum of about \$32,500 dollars in annual income. To give perspective on this amount, families at or below this income would likely qualify for Medicaid-funded health care, for nutrition assistance such as food stamps, and for other health and human service programs.

The map below shows Illinois geographic patterns of low-income families with children.

6 1.1 million Illinois residents do not speak English “very well” per the American Community Survey of 2014-2018.

Percentage of Families with Children Who Are Low-Income: 2014-2018



Not all self-represented litigants are low-income. Some parents with means decide to direct their resources instead to other child-related costs, such as tuition. Still others believe their research, analytic, and speaking skills will enable them to manage their case, sometimes with brief coaching from a lawyer. Some self-represented litigants are couples who have come to an agreement and go to court only to formalize their arrangements; many are motivated by a wish to avoid an adversarial process, preferring to remain cordial.

...being self-represented is a disadvantage...

Whether from a lack of other options or by choice, being self-represented is a disadvantage—a fact that is widely recognized and acknowledged by self-represented litigants. They feel outmatched by opposing counsel.

The legal process can exacerbate stress during an already difficult time. At times, the outcomes self-represented litigants seek are negatively affected by their lack of representation, with potentially serious negative consequences for their children.

When I go into court, I feel I'm up against his attorney, him, the guardian ad litem, and the judge. As a woman, a Latina, I feel minute next to them. I feel like I'm up against two suits and a robe—and the whole system.

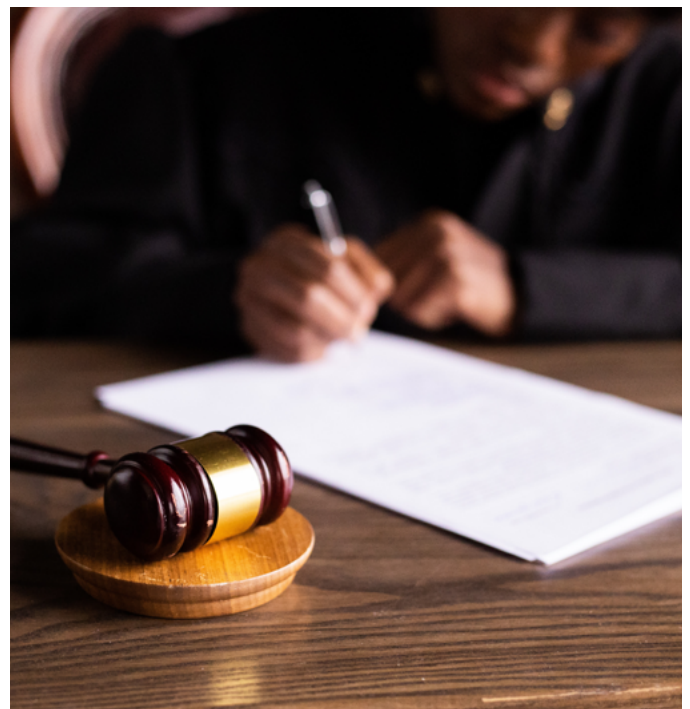
– A self-represented litigant in Illinois

This assessment was echoed by most of the non-judicial court personnel queried by the project. They overwhelmingly agreed that not having representation has a negative impact on case outcomes. The survey respondents stressed that unrepresented parents are particularly disadvantaged in contested cases and cases in which the other party has a lawyer. A few replied that when both parties are unrepresented or a case is not contested, self-representation can work well.

Of surprise and concern, a majority of the Latino/a self-represented litigants interviewed by the project reported being badly treated by judges and court-appointed guardians ad litem (GALs). The men said their criminal records were the reason they were discriminated against, while the women said their gender and ethnicity were the reason they felt they were intimidated and treated disrespectfully and unjustly. It is hard not to wonder if the presence or representation of a lawyer might

have checked unprofessional behavior by judges and GALs or provided an avenue for accountability. Findings from *Cases without Counsel* do not refer to this experience among those interviewed.

Additionally, more than half of the women who were interviewed reported that they had been abused by their former spouse or partner, which is disturbing on two counts. First, survivors of family violence residing in parts of the metropolitan Chicago area, where the women all lived, can be served by specialized domestic violence legal service programs that have Spanish language capacity. Across the state, survivors are given priority at many legal aid organizations. Yet all of these women were unrepresented and none seemed to know that legal aid was at least theoretically available to them. Second, in these cases, some judges were unaware of or unresponsive to a recent history of violence. This was evident in women being ordered to mediation and communications counseling with their abusers (in both instances, the mediator and counselor intervened to protect the women), and case decisions made without apparent consideration by judges of recent family abuse.



Cases *without Counsel* and the project’s research make clear that self-represented litigants face big challenges. Self-represented litigants lack knowledge of legal and court processes, from the most basic information about filing a case (*Which forms must be filed? How? Where? How much are the fees and how does one pay?*), to the complexities of service, to gathering and presenting evidence. Arcane legal language is a mystery. Many self-represented litigants reached out to multiple sources to find guidance, but none of those interviewed by the project found all the resources they sought.

difficult. Some offered thoughtful suggestions for improvement.

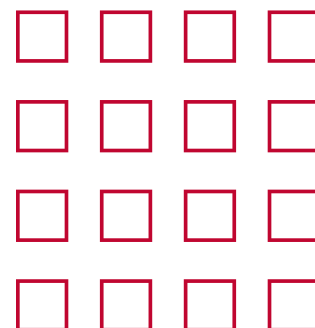
Decisions in family cases are best made by the parents involved and a confrontational arena does not present a healthy start for a family to heal from the trauma of divorce. Working with mediators early in the process, rather than with attorneys making arguments about how bad the other person is, would be beneficial. The process should be more conciliatory and less confrontational. The cost of a protracted divorce can be overwhelming, which takes money away from the children and family. This too generates stress that can lead to further complications and strain the family dynamic even more.

– An Illinois court administrator

Many self-represented litigants reached out to multiple sources to find guidance, but none of those interviewed by the project found all the resources they sought.

Nevertheless, the litigants suggested three main ways courts could better help them to better represent themselves: provide pro bono representation for every person going to civil court for child-related matters; provide a roadmap of case types and courts; and make changes to simplify the paperwork, use Plain English instead of legalese, and give more time for self-represented litigants to explain themselves to judges.

While many of the court staff members surveyed gave responses that showed care and empathy for self-represented litigants, others expressed frustration at serving as “first responders” for individuals who are often anxious, confused, and agitated. Court personnel—especially clerks and their staff—are seen by self-represented litigants as front-line sources of information and guidance, though not all of them wish to fill that role. What constitutes legal advice versus legal information also appeared to continue to perplex many: 44% of survey respondents said they find navigating the line between the two



2. Courts are Not a Welcoming Place

Low-income African American fathers who participated in the project's online focus group identified parental allocation of responsibilities, child support, parenting time, guardianship, and parenting/co-parenting as the child-related issues that they were seeking to resolve with a former partner or spouse. The group was asked about their reasons for not going to court to address these issues. In addition to not having money to hire a lawyer and not being able to find legal aid, some of the fathers said they preferred to handle their concerns outside of court. More than half said they did not believe they would be treated fairly by a court. Elaborating, fathers said prior incarceration had been and would be held against them, and judicial rudeness they had experienced or witnessed toward family members rendered them unable to trust that they would be treated respectfully or fairly. They linked their perspectives more broadly to systemic anti-Black racism and prejudice against poor people and those who were formerly incarcerated.

They linked their perspectives more broadly to systemic anti-Black racism and prejudice against poor people and those who were formerly incarcerated.

While not avoiding court like the fathers noted above, most of the interviewed Latino/a self-represented litigants also recounted instances in which they had experienced discrimination and disrespect from judges. Racialized injustice is what the Black and Latino/a parents encountered and recounted. Access to justice will only be fully realized when all litigants are welcomed into the court system. This finding is also supported by the NCSC's *Call to Action: Achieving Civil Justice for All*, which states

"courts ultimately must be responsible for ensuring access to justice. Once a case is filed in court, it becomes the court's responsibility to manage the case toward a just and timely resolution."⁷

7 National Center for State Courts. (2016). Civil Justice Initiative: Call to Action: Achieving Civil Justice for All, Recommendations to the Conference of Chief Justices by the Civil Justice Improvements Committee. Page 16. https://www.ncsc.org/data/assets/pdf_file/0021/25581/ncsc-cji-report-web.pdf

3. Labyrinthine Processes Must Be Made Clear

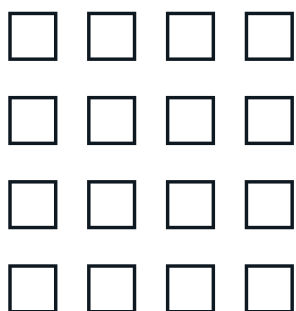
In Greek mythology the labyrinth was a maze so complex that anyone who entered was unable to leave alive. While certainly not fatal, in interview after interview, self-represented litigants described being lost, in the dark, and overwhelmed in courtrooms and cases. Court personnel used the same language in describing their observations of self-represented litigants. The litigants recommended the creation of maps to provide an overview of the process, step by step. They said that such maps would help them anticipate and understand what lay ahead and what they might expect along the way.

Clear and concise, step-by-step directions the whole way. I understand that's what law school is for, I get it. But there's got to be a resource or a guide or something other than law school, like Cook County Court for Dummies. Something that explains the process beyond the forms.

– A self-represented litigant in Illinois

The AOIC ATJ Division had previously created a one-page infographic, *Divorce with Children Overview*, which shows the process along a road, indicating the main steps along the way. (None of the self-represented litigants we talked with had seen this, nor did any court staff mention it.) Over the summer, two small groups of members from the Steering and Advisory Committee worked to define each step in two other family law processes: minor guardianship, and establishing parentage (in full, along with a streamlined version; JFA staff also created a simplified map for divorce with children).

Each of the full maps for guardianship and parentage are three pages long, and powerfully convey how complex these cases can be. They illustrate the many possible permutations that make it challenging to predict exactly what the sequence of steps will be in any one case, and how easy it is for self-represented litigants to feel lost in the process. The maps also include a great deal of legal terminology and, in one instance, an antiquated step (the “letter of office” in guardianship) that might reasonably be eliminated. In a testament to their utility, when the Advisory Committee reviewed them, several judges commented that they had never before seen a complete, step-by-step illustration of the common processes, and agreed that these maps would likely be valuable as guides for self-represented litigants. To make them useful to laypeople, the maps would require revision, and a plan for continuous distribution.



4. Promising Family Court Innovations Are Being Tried Across the State

Over the course of the project, Advisory Committee members taught and learned about promising, innovative responses to challenges faced by self-represented litigants. This included:

- Self-Represented Litigant Friendly Courtrooms. A presiding judge in a self-represented litigant court said the fundamental goals of a courtroom designed solely for self-represented litigants are to provide the benefits of having judges and court personnel who are trained and knowledgeable about best ways to interact with self-represented people, and to provide for more meaningful and direct communication between the judge and the parties. In Illinois this has taken different forms: DuPage County had the first dedicated full-time self-represented family judge; Lake County’s 19th Judicial District has an online Self-Represented Center that is amplified by a special family law court call for self-represented litigants; and the Rolling Meadows courthouse, part of the Circuit Court of Cook County, has a self-represented litigant family court call once a week. Judges on the Advisory Committee noted that the pandemic has led them to use more online technology for remote hearings, with generally positive results.

Lake County’s courts’ response to self-represented litigants has been particularly holistic.

Lake County’s courts’ response to self-represented litigants has been particularly holistic. Its self-represented family law court call is five days a week and no more than fifteen cases are heard per day. The courtroom was described as “a different atmosphere: there are no lawyers present, it’s a smaller room, and friendly and resourceful staff add up to a less intimidating space.” A warm, friendly, bilingual clerk (specially chosen for this demanding role) provides handouts at check-in. JusticeCorps members are in the courtroom daily; they help explain processes and answer questions.⁸ Mediators are also in the courtroom and the judge may assign them to cases. Mediation often expedites the process, thereby reducing the number of court appearances and thus reducing the financial costs to litigants. The judge gives litigants an individualized checklist of forms to complete and refers them to the law library down the hall. Librarians provide the indicated forms and help with completing and electronically filing the necessary forms. The court recently added a Self-Represented Litigant Coordinator position.⁹ New funding was unanimously approved by the county board, whose members include lawyers who have seen the benefits of the specialized courtroom to the community and to the court system as a whole.

The 15th Circuit, with modest funds, has created Self-Help Centers that are spread across six county courthouses. Clerks and judges refer to the Centers, with judges giving litigants a forms checklist to guide them. The sole staff person offers information and assistance and has made it her business to be

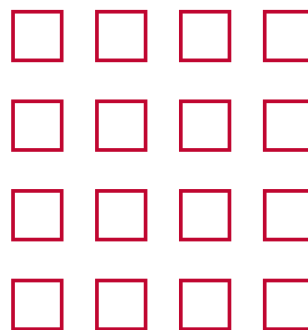
8 Illinois JusticeCorps is an innovative AmeriCorps program that places college students, recent graduates, and other volunteers in courthouses throughout the state to help the growing number of litigants appearing in court every day without lawyers. Volunteers in the program make the courts a friendlier and more welcoming environment for litigants and other court patrons. JusticeCorps currently sits in 13 counties across the state.

9 The Self-Represented Litigant Coordinator Program launched in fall 2017 and has served over 50,000 self-represented litigants. Funded through grants from the ATJ Commission, the Program was the first-ever statewide network of court personnel dedicated to working on issues affecting self-represented litigants.

well-acquainted with the local public resource entities to provide supplemental referrals.

- Online Dispute Resolution (ODR). ODR uses various forms of technology (i.e., web-based, video conferencing, chat) to replace or support traditional ways of coming to agreements. The 10th Circuit (Peoria County) has an ODR program (the first pilot in the state) that works well for many self-represented litigant parents. The program is available for mandatory child custody mediation in marriage dissolution cases, specifically for self-represented and very low-income parents. Its administrator noted that ODR reduces parenting plan development time by 50%, and that users describe it as less stressful than in-person dispute resolution. The program manager also noted that most people using it require some level of human assistance in the process.
- Early Resolution Programs (ERP). In Cook, McHenry, and Lake County, courts have created ERPs for self-represented litigants that are designed to shorten the time between case filing to disposition, thereby reducing lost wages of litigants attending court hearings, providing meaningful access to the judicial system, reducing the number of case-processing steps, and limiting the number of post disposition hearings. To date, the programs focus exclusively on uncontested divorces, but could be useful to some parents with child-related legal issues.

However, the Advisory Committee identified



...one court innovation that has not made the court process easier for self-represented litigants: e-filing.

one court innovation that has not made the court process easier for self-represented litigants: e-filing. On January 1, 2018, e-filing became mandatory for lawyers and self-represented litigants in Illinois. Unfortunately, the e-filing user interface was not designed with self-represented litigants in mind. The overall framework is not intuitive, is difficult to navigate, and is not designed for users who may have limited technology proficiency or low literacy levels. It is purely text-based, frequently uses technical legal terms, and lacks any sort of graphic or visual depictions to enhance user comprehension.

E-filing is also not mobile friendly, which is particularly problematic because a lack of access to the internet and technology is a significant challenge across the state. Many Illinois residents (and some courthouses) lack broadband internet. In some counties in Illinois, 50 to 75% of households are without internet connections in the home¹⁰ and statewide broadband access is less likely to be available in Black and Latino/a households and for people without high school diplomas or who are low income.¹¹ A smartphone may be the only reliable way for many people to access the court system for e-filing.

Illinois courts' responsiveness to self-represented litigants is consistent with a larger national movement to better address

¹⁰ Self-Represented Litigation Network Map with the ATJ Commission, citing the Federal Communications Commission's most recent broadband data <https://www.fcc.gov/form-477-mobile-voice-and-broadband-coverage-areas>

¹¹ Horrigan, John B. "Broadband Adoption in Illinois: Who is online, who is not, and how to expand home high-speed adoption." November 2012. http://www.broadbandillinois.org/uploads/cms/documents/broadband_adoption_in_illinois.11.09-edsb.pdf

Illinois courts' responsiveness to self-represented litigants is consistent with a larger national movement to better address these needs.

these needs. Earlier this year, the Conference of Chief Justices and the Conference of State Court Administrators endorsed and encouraged its members to implement the following recommendations related to family law:¹²

- a. Ensure that family law matters receive the same level of prestige and respect as other court matters by providing them with appropriate recognition, training, funding, and strong leadership;
- b. Aggressively triage cases at the earliest opportunity;
- c. Simplify court procedures so that self-represented parties know what to expect, understand how to navigate the process, can meaningfully engage in the justice system, and are treated fairly;
- d. Ensure that self-help information and services are available both in person and remotely so that all litigants can access the full range of court self-help in the manner that is most appropriate for their needs;
- e. Offer families a choice of dispute resolution options to promote problem-solving and to minimize the negative effects that the adversarial process has on families during the court process and afterwards; and
- f. Promote the well-being of families, including implementation of trauma-responsive practices for families and staff, throughout the life of their case and as the primary desired case outcome

¹² Conference of Chief Justices and the Conference of State Court Administrators Resolution 4 in Support of a Call to Action to Redesign Justice Practices <https://www.ncsc.org/services-and-experts/areas-of-expertise/children-and-families/fji-update>

5. Courts Should be Focused on Customer Service

As courts across Illinois continue to develop innovative responses to the COVID-19 pandemic, they face new challenges in providing meaningful services and assistance to court patrons, lawyers, and the public. Navigational assistance and legal information, in large part, were previously offered in person and on a walk-in basis. However, this mode of delivery is no longer as feasible or safe due to measures designed to reduce the number of persons inside courthouses and promote social distancing. Vulnerable and marginalized members of our community are most harmed by this reduction in access to legal resources. Lawyers and litigants also have experienced challenges in understanding procedures and practices that were enacted during the pandemic.

Consistent research on the experience and attitudes of court users shows that they do not find courts to be customer friendly.

Court users are the customers of the court system. Consistent research on the experience and attitudes of court users shows that they do not find courts to be customer friendly. NCSC conducts annual surveys of American voters, through the *Public Trust and Confidence Study*, to gauge public perceptions of the state courts. The 2018 data found that 59% of those surveyed agreed “state courts are not doing enough to empower regular people to navigate

the court system without an attorney.”¹³ The same survey, conducted in 2017, focused on customer service and found that only 52% of those questioned believe the state courts provide good customer service.¹⁴ Survey respondents report that their most serious concerns are not knowing where to turn for help with forms and procedures (37%); rude, unhelpful, and intimidating court staff (35%); not knowing where one needs to go in the courthouse (29%); the amount of time spent at the courthouse (27%); and not being able to complete forms or pay fees online (24%).¹⁵

Survey respondents were, however, able to prioritize common-sense solutions to the problems they identified:

- Plain language legal forms that non-lawyers can understand and complete;
- The ability to connect with court staff online or by phone to answer questions rather than traveling to the courthouse; and
- Online self-help services that allow users to file a form, pay a fine, or take other actions online instead of coming to the courthouse.¹⁶

Due to the pandemic, the majority of Illinois state courts has now adopted the technology required to allow appearances in court by video or phone conferencing. However, ensuring that court patrons, lawyers, and the public have access to information about remote processes, procedures, resources, and other materials—without coming into the courthouse to receive that help—remains elusive.

¹³ Memorandum from GBA Strategies to the National Center for State Courts 5 (Dec. 3, 2018) https://www.ncsc.org/_data/assets/pdf_file/0020/16157/sosc_2018_survey_analysis.pdf

¹⁴ Memorandum from GBA Strategies to the National Center for State Courts 2 (Nov. 15, 2017), available here: https://www.ncsc.org/_data/assets/pdf_file/0012/16131/sosc-2017-survey-analysis.pdf

¹⁵ Id. at 3

¹⁶ Id. at 5

While exacerbated by the impact of COVID-19, unequal access to legal information predated the pandemic. The availability and scope of informational services for individuals trying to navigate the court system varies widely across jurisdictions. Some more highly resourced courthouses have staff members dedicated to answering questions, such as Self-Help Center staff, law librarians, JusticeCorps members, or Self-Represented Litigant Coordinators, while less resourced courthouses lack the capacity to provide that same level of personal assistance.

Communities are important sources of real-world aid to people looking for all kinds of insight and assistance.

6. Community Connections Are a Must

Communities are important sources of real-world aid to people looking for all kinds of insight and assistance. Parents representing themselves search diligently. Most of the fathers from the focus group said that their searches for help had been difficult, frustrating, and overwhelming. Interviewees described reaching out to a number of legal information and coaching sources (e.g., CARPLS and the 19th Circuit Court District's online Center for Self-Representation), as well as to community-based nonprofits for valued counseling and court accompaniment.

A conversation among Advisory Committee members identified a number of challenges that community members face in advance of going to court: (1) filing fees can cost \$300 to \$400; (2) mandatory e-filing of court

documents requires access to a computer, a printer, a scanner, and an email address; (3) some people have difficulty completing documents; and (4) most hearings during the pandemic are remote, which can be easier and less disruptive to one's job, but add a barrier for people without access to or facility with technology.

Advisory Committee members also laid out several community perceptions that may discourage use of courts for problem-solving including:

- Unfamiliarity with how courts work, which may make finding one's way to, into, and through the court system intimidating;
- Language barriers for people with limited English proficiency and for laypeople unfamiliar with legalese;
- Conflating the judicial system with law enforcement, which can be off-putting for community members who have had negative interactions with police and may view judges hearing civil matters as part of the same system. Undocumented immigrants may fear links between state-court judges and the US Department of Homeland Security;
- Lack of trust in the system, based on earlier dealings with other institutions plagued by systemic bias, including anti-Blackness and other forms of racism; a condescending or dismissive attitude toward poor people; and xenophobia. Some immigrants have come from countries with corrupt or government-run judicial systems and may not believe that U.S. judges will act fairly or impartially

I try not to let the system dictate or define who I am as a father, because it is designed for us to seem like we don't care or we took the easy way out. The biggest barrier is: being all through the systems and being in and out of the systems, it's pretty much designed to put you in debt and hold that over your head. I do the best not to let this dictate who I am as a father to my kids.

– An Illinois father who avoids going to court about his children

Community members' perceptions of courts beg the question: How do judges and court personnel view community members? That is: Do judges and staff routinely show respect and even-handedness in their dealings with people of all backgrounds? Based on our conversations, the answer is no. This is confirmed by the NCSC voter survey wherein people of color expressed the greatest concerns about the behavior of court staff.¹⁷

Committee members identified three possible community-based solutions:

1. Expand Help Desks and Navigator Programs to Communities. Help Desks and court navigator programs that now exist in courthouses could be replicated in the community. This could provide individuals seeking help with access to trained community justice navigators, pro bono lawyers, law students, and volunteers who could help explain processes, direct litigants to the right forms, and provide short-term coaching to self-represented litigants. A triage approach could help people identify the best options and venues for solving their problems. Locations might include

How do judges and court personnel view community members?

- public libraries (where pro bono brief consultations are already available in some locations), human service organizations, faith-based institutions, and other trusted community sites.
2. Increase Availability of Pre-Court Interventions: Early Resolution Programs and Online Dispute Resolution can also be helpful. Online support programs can be of great assistance if courts can solve barriers related to the digital divide and widespread lack of broadband access, and if such programs are attached to humans who can assist when needed.
 3. Encourage Use of Conflict Resolution Resources. Another option would be to lift the public profiles of and increase the availability of community-based mediation and other conflict resolution services. These services could help people who prefer not to go to court, as well as those who want to avoid an adversarial process, while also aiding parents who prefer to begin their court cases after a parental agreement has been reached. As noted earlier, mediation is not appropriate for parents whose partners have been abusive but can help other parents and guardians.

While the Advisory Committee acknowledged the importance of engaging community by working with community nonprofits to provide a range of assistance to self-represented litigants, across the state, the number of nonprofit organizations in most counties is actually quite limited.

¹⁷ Memorandum from GBA Strategies to the National Center for State Courts 2 (Nov. 15, 2017), available here: https://www.ncsc.org/_data/assets/pdf_file/0012/16131/sosc-2017-survey-analysis.pdf

Most groups providing supportive services are described as “nonprofit” because they have been recognized by the Internal Revenue Service as charitable organizations. Other groups do not have a nonprofit status but may have goals, staff, and financial resources geared to community support. These include public libraries and religious organizations such as churches, temples, or mosques. Some local governmental agencies offer supportive services such as townships, which in Illinois function as a safety net of last resort for at least some residents in financial need.



The nonprofit sector is large in terms of dollars and numbers of entities in Illinois, but it is unclear how many groups may be available to support low-income families whose members are self-represented litigants. Some questions in assessing the nonprofit sector include:

How are nonprofits defined?

- There is no definitive listing of nonprofit groups in Illinois.
- Some information on organizations granted tax-exempt status is available, but the kind of services offered by the groups is unclear, as they self-select the category of service they provide, and some do not report any category. Smaller nonprofits can be exempt from filing their information with the IRS.¹⁸

¹⁸ Most but not all nonprofit organizations file a form 990 with the Internal Revenue Service, and publicly available data provides a list of groups operating in Illinois. Most non-profits indicate the type of service they provide, but the categories published by the IRS lack specificity. For example, the category of “Alcohol, Drug Abuse, Treatment Only” may include both counseling centers but also philanthropic foundations that give to such causes.

The project demographer reviewed a database of 3,000-plus nonprofits that filed a form 990 in 2017 and were located in Illinois. He selected groups that fell in one of 169 categories, and further edited the list to remove organizations whose title suggested they did not provide direct services. The final list is likely to overstate the number of viable providers.

It should be noted that nonprofits may be located within a county but may serve persons from outside the county. The headquarters of a nonprofit may be located in one county but there may be satellite offices and/or staff may travel to other counties to provide service. The size of a nonprofit may range from a group with no paid staff up to a large social service agency managing millions of dollars of grant monies.

Which nonprofits might specifically support self-represented people?

- Nonprofits can provide transportation assistance to people with disabilities, public benefits enrollment assistance, after-school activities, health care, community organizing, and many other types of support. Some groups within some of these categories may appear to be potentially supportive of self-represented litigants, but the group would need to be contacted in order to understand the nature of their service.

Where are the services available?

- The numbers of nonprofits outside of larger population counties is small or nonexistent (see below), even using an expansive definition of nonprofits.

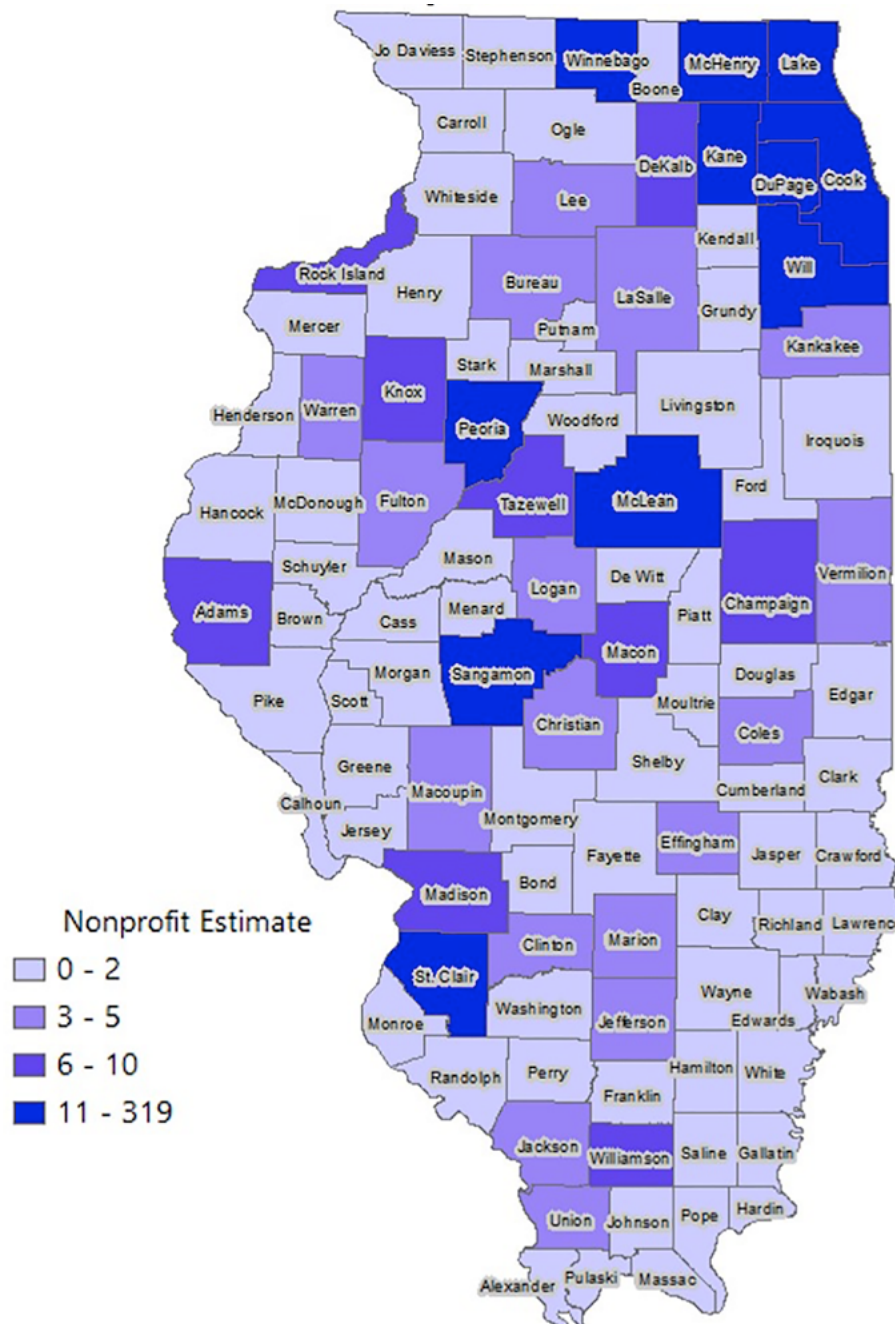
How much capacity do the nonprofits have?

- Technically, nonprofit organizations in Illinois range from groups with a few thousands of dollars of annual revenue to entities like the University of Chicago Hospital with many millions of dollars of revenue.
- Many nonprofits are severely stressed. The budget crisis that Illinois experienced several years ago led to even some well-established groups reducing or terminating their services. Covid-19 has changed how groups operate and made face-to-face contact often impossible.

Using a generous definition of nonprofits that might provide supportive services to self-represented litigants, the project’s demographer identified 709 tax-exempt organizations in Illinois that provide some type of service related to health, human services, community development, or a related field. A list of the categories of organizations is found at the end of this report.

Even using a broad definition of nonprofits, there is a scarcity of nonprofits across much of Illinois. Many counties have only one or two nonprofits. A quarter of the state’s counties, 26 in total, have no nonprofit found in the IRS data. The map below shows the distribution of the nonprofits by county, based on the headquarters of the organization.

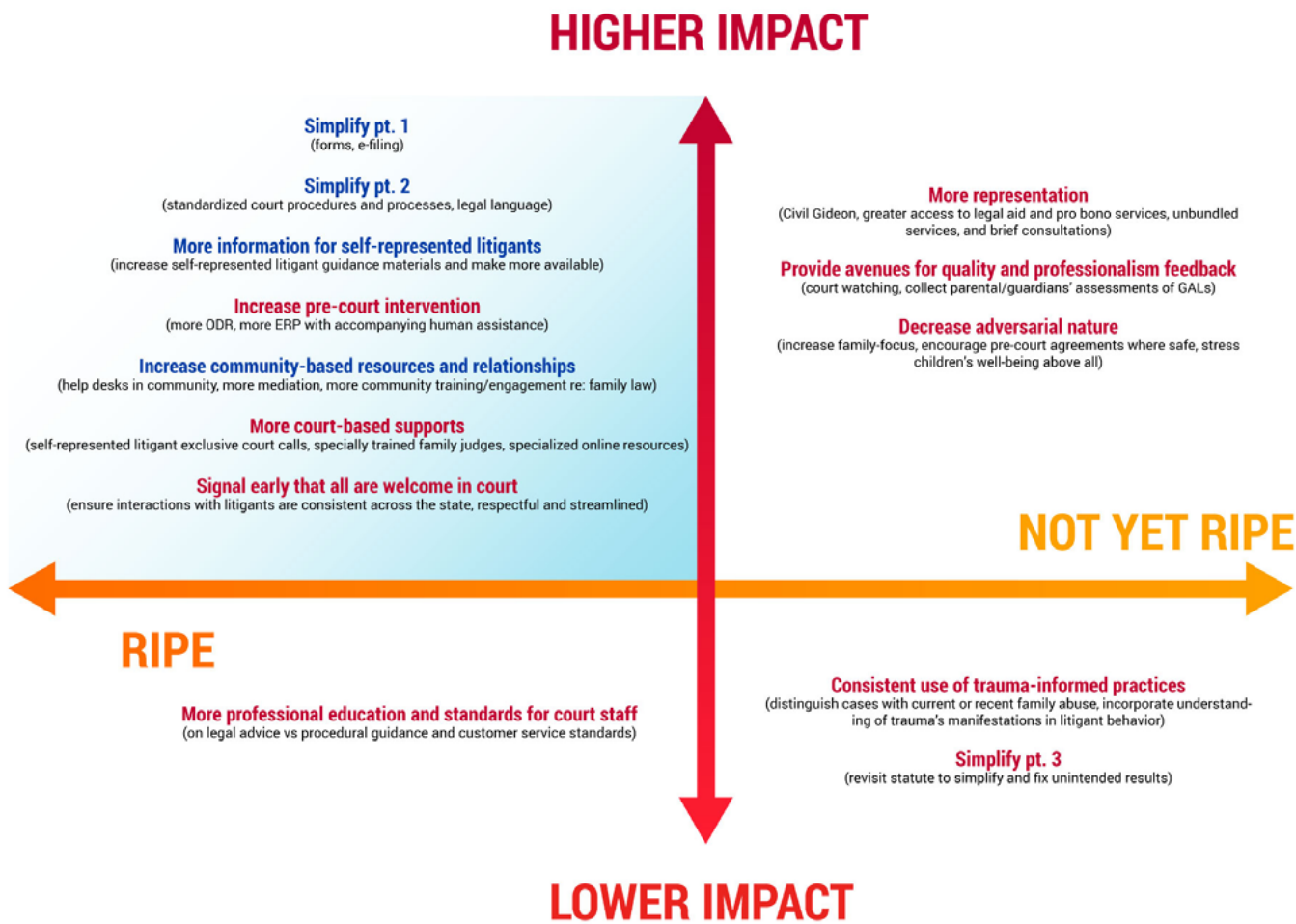
Approximation of Human Service-Related Nonprofits: 2017



RECOMMENDATIONS TOWARD MORE JUSTICE FOR ALL

In every aspect of the project's work over the past 14 months, commitment to continuing to open access and fairness within Illinois courts for self-represented litigants has been clear. The Steering Committee found it an easy matter to assemble an Advisory Committee of knowledgeable and respected leaders who actively engaged in project development and generously gave of their time. Responses from those asked to participate in various data collection efforts were strong, even during the pandemic.

With input from approximately 230 people engaged by the project, 20 recommendations for change were identified. After discussion, a consolidated list, showing relative degrees of impact and of ripeness or readiness for change, follows. The items shown in blue represent aspects of the project's implementation plan for 2021.



Fundamental and Cross-Cutting

Identify and dismantle all forms of bias (racial, ethnic, socioeconomic, gender, etc.) that impede access to justice for all.

During the October 2020 Advisory Committee meeting, a consensus started to form around troubling issues that are in the court's control to improve. Specifically, self-represented litigants in family cases must understand the procedures not only to present their cases but also to form realistic expectations about the process. In turn, the parties' more informed goals will benefit judges and court staff and may also lead to increased cooperation among the parents and guardians. The Advisory body decided that the way to increase this understanding would be through easy (and frequent) access to process maps, standardized forms, glossaries of terms, timelines, explanation of costs, and a general reorientation towards good customer service. However, the pressing question was how to deliver this "understanding."

To do so, the project will start where the parents and guardians are located: the community. Targeting community groups and organizations that address the needs of families with children (such as schools, community clinics, and human service organizations), the project will create resources explaining what people can expect in family court; what the court expects litigants to prove; how the court expects individuals to present evidence; and what legal or other support resources are available in the jurisdiction. The goal is to increase understanding even before a court case is filed. Those resources will be incorporated into the online tool described below.

Next, in most other aspects of daily life people expect and are used to services being available to them through the internet—from shopping to banking to applying for resources and jobs. Internet usage is also required when starting a court case through e-filing. Yet, the existing e-filing user interface is incredibly difficult to use by all reports. Therefore, the project will create a user-friendly e-filing interface (also called the electronic filing service provider, the online process in which someone files documents with the court); automated

interviews, integrated within the e-filing interface, for fee waiver, divorce, parentage, and guardianship forms; and integrated/ imbedded legal information such as videos, process maps, timelines, and informational "call-outs" within the e-filing interface. As a result of gathering and consolidating these scattered and sometimes incomplete or inconsistent resources, self-represented litigants will be able to more easily find and absorb information vital to their cases.

As a result of gathering and consolidating these scattered and sometimes incomplete or inconsistent resources, self-represented litigants will be able to more easily find and absorb information vital to their cases.

Certainly, there are people in this state who do not have access to or the technical know-how to use an online tool. Therefore, it will be imperative and a priority for the project to also develop paper-based resources that can be used by contacts in the community and court staff alike. As stated in a recent IAALS report on the court's use of technology to improve customer service, "the fact that everyone cannot use a technology solution does not justify [the court's] failure to provide it for those who can use it and want it."¹⁹

Lastly, the project will also identify court practices and procedures that can be standardized statewide to allow for uniform instructions and treatment of court users. One such example is the different ways in which Applications for Waiver of Court Fees are

¹⁹ Eighteen Ways Court Should Use Technology to Better Serve Their Customers IAALS, Institute for the Advancement of the American Legal System https://iaals.du.edu/sites/default/files/documents/publications/eighteen_ways_courts_should_use_technology.pdf

evaluated by judges. In some courts, a hearing is required only if there is a factual issue on the face of the Application while other courts require a hearing on every Application. Some courts require copies of certain documents while others do not. Such inconsistent practices make it very difficult to provide

guidance to someone trying to navigate this process. The project will identify and address other opportunities for standardization as well.

CONCLUSION

The project's work has resulted in a set of implementation goals. The immediate challenge is to secure funding for a two-year implementation process.

The project's Steering Committee is committed to incorporating the principles that have guided the past fourteen months of work:

- Implementation will prioritize a focus on forms of bias that have become ever more visible during the pandemic and that can be used as a fulcrum for sustained systems change;
- Implementation will include a statewide focus that recognizes different levels of local resources, and opportunities and challenges that vary by locale and court district;
- Implementation will be led in part by the Commission and the Access to Justice Division, the originators of work to date. The Access to Justice Division has effective professional staff, strong relationships across the AOIC, including the AOIC's new Chief Diversity and Inclusion Office, which will be a powerful ally, given the implications of implementation for communities of color;
- In addition, the project plans to

construct an implementation process that allows it to design resources with prospective users, and calls for regular input and assessment from those most affected by the various access to justice barriers identified in this report.

We are excited to roll up our sleeves to continue building a self-represented litigant culture in Illinois.

Alice Cottingham (Alice Cottingham & Associates) and Alison Spanner (AOIC, ATJ Division) wrote this report, with input from community members, judges, lawyers, leaders of legal funding foundations, court staff, community-based organizations, and other research. Althea Gonzalez, consultant, conducted the Latina/o interviews. Rob Paral (Rob Paral & Associates) provided statewide census and poverty data. The fathers' focus group was co-facilitated by Advisory Committee member, Dr. Kirk Harris (then leading Fathers, Families, and Communities) and Althea Gonzalez. Jennifer Kotting designed the report. The project thanks them all for their contributions.

SPECIFICS ABOUT ILLINOIS JUSTICE FOR ALL DATA

Latino/a self-represented litigant interviews

- 5 women, 2 men
- 4 born in US, 3 in Mexico
- 90-minute phone interviews
- 4 self-represented litigants had no lawyer at any time in their case; 3 had lawyers at times in their case
- 5 of the other parties had a lawyer at some time in their case, 2 did not

Fathers' focus group

- 11 African American, low-income fathers, all associated with Power of Fathers, participated in some or all of the meeting
- Most fathers identified 2 legal issues related to their children (child support, parenting time, guardianship, etc.)
- 90-minute online meeting
- 4 of 6 participating near the end of the meeting said they did not believe they would be treated fairly in court; only one person was actively involved in a court case and had found his judge fair and respectful. (Despite his good experience, the man wondered, "When I listen to other people's cases, when I've been in parenting classes, and when you sit back and analyze and think, and listen to other people, I'm hearing, 'Man, I've been dealing with this for five years. I've been dealing with this two years, I got my own crib, [and] my kids still ain't returned home.' And [I] get to thinking and wondering, like, okay, if they did what the system telling them to do, and they're showing progress, why it's still hard for them to return back home if that parent is showing progress, with all perspective for their child to be returned back into a safe environment, back with the parents?")

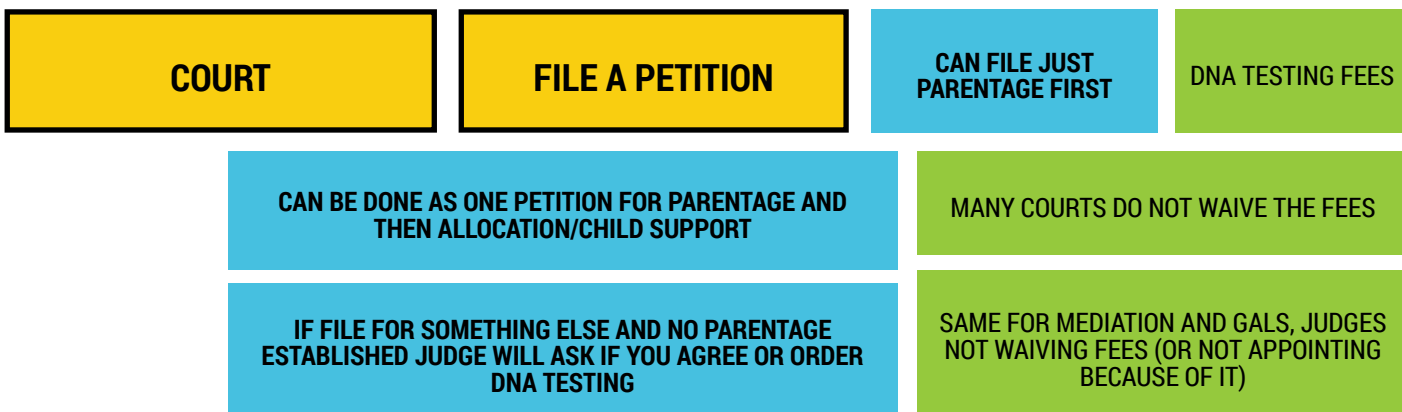
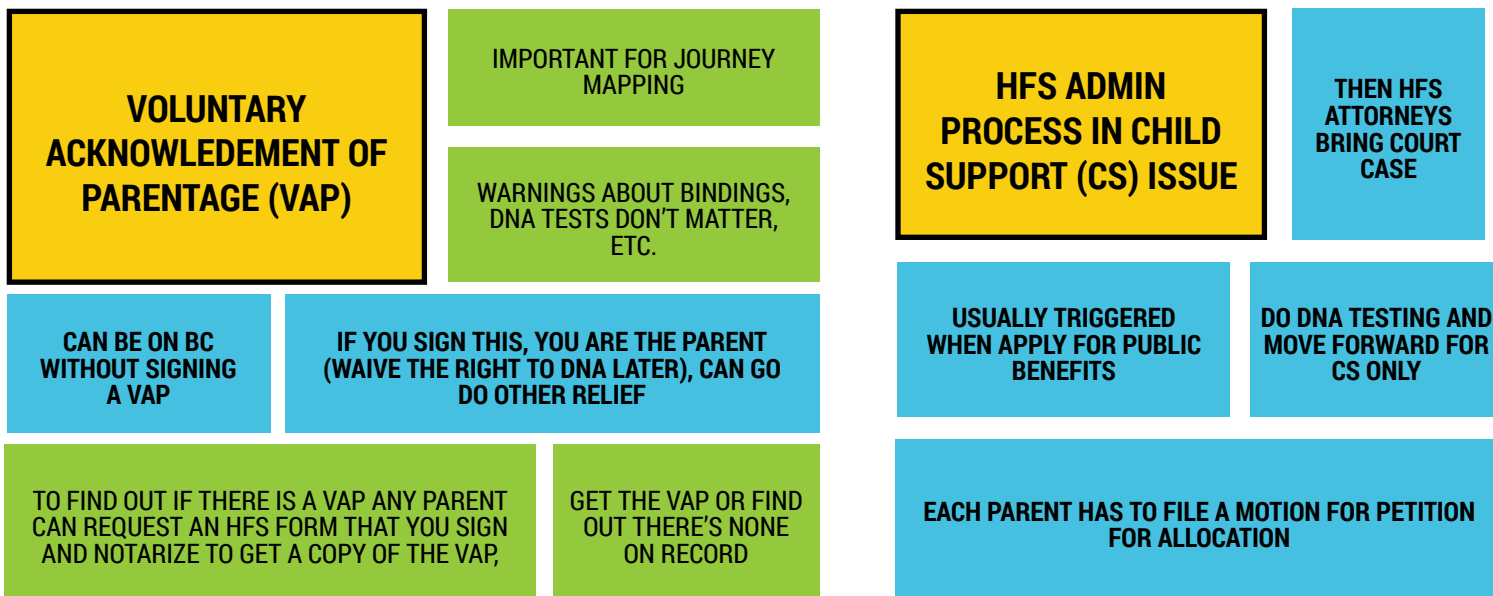
Court Staff

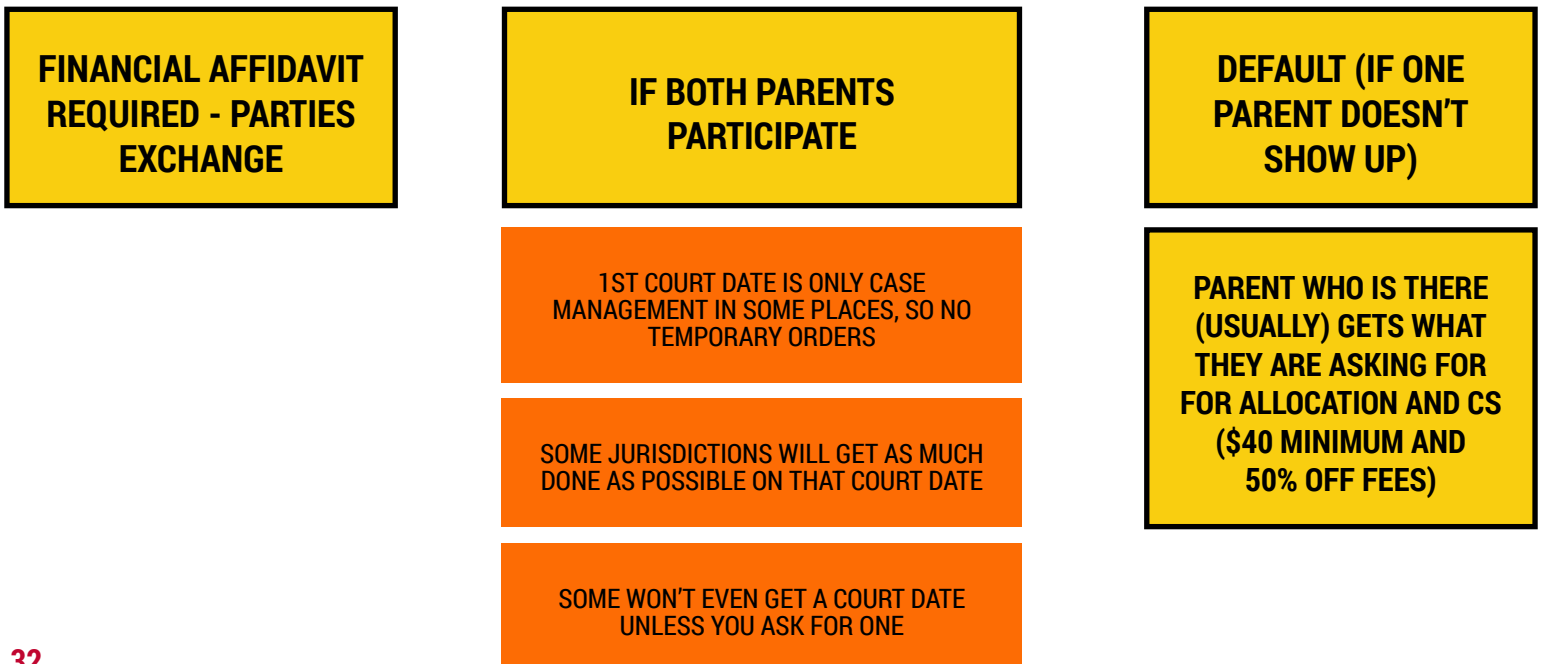
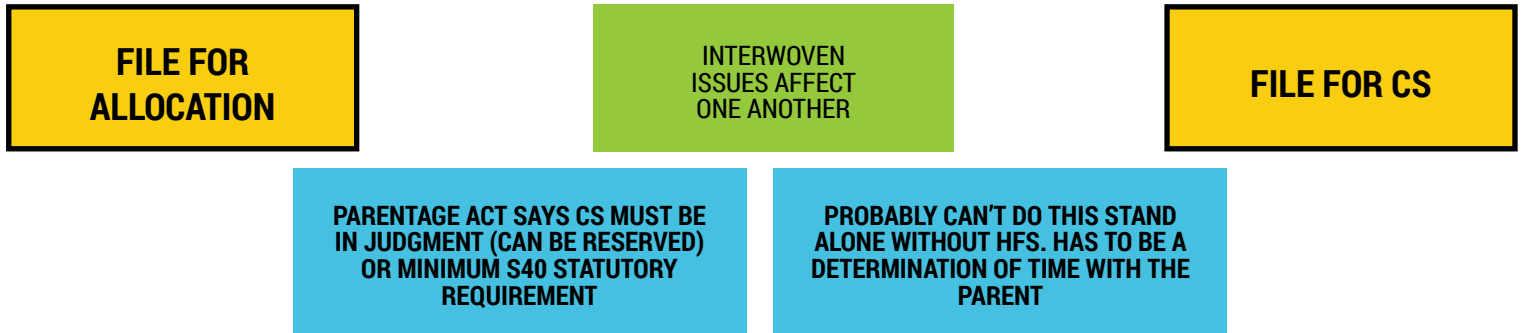
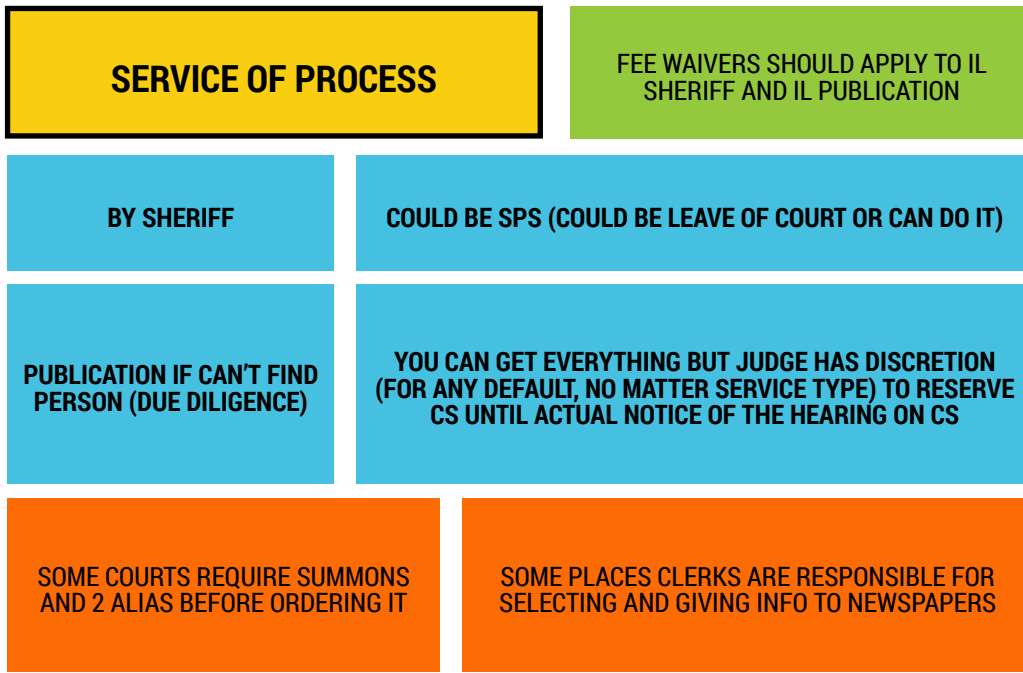
- 177 completed surveys from 104 clerks or clerk staff, 57 interpreters, and an array of others
- 77 respondents have been in their positions for more than 15 years
- White staff (76%) were reflective of the percentage of whites in the state's population (77%). Among the 18% (38) who are people of color, almost all were interpreters (Some respondents chose the "prefer not to answer" option)

SAMPLE PROCESS MAPS

Understanding the steps in a legal process and what comes next is key to successful navigation of the court system. Many self-represented litigants asked for maps illustrating the sequence and flow of common family-focused legal cases. The following are early renditions of comprehensive and simplified process maps to establish parentage.

COMPREHENSIVE COURT PROCESS FOR PARENTAGE CASES IN ILLINOIS





REQUIRED TO DO PARENTING CLASS

SUBMIT CERTIFICATE OF CLASS BEFORE END OF CASE

NOT ALL COURTS ENFORCE THIS

ISSUES OF CLASS AVAILABILITY (ESP SPANISH LANGUAGE ACCESS)

EVERY COURT HAS DIFFERENT REQUIREMENTS OF IN-PERSON OR ONLINE COSTS AND IF IT WILL BE WAIVED, ETC.

COULD GET TEMPORARY ORDERS (CS AND VISITATION) - IF AGREE OR IF MOTIONED UP FOR THAT DATE

MEDIATION (UNLESS DV)

MEDIATE ALLOCATION AND RESPONSIBILITIES ONLY (USUALLY)

PROPOSED PARENTING PLANS SOMETIMES HAVE TO SEND TO MEDIATOR BEFOREHAND

IF AGREEMENT ON ALLOC / RESP

MEDIATOR SUBMITS REPORT ABOUT FULL, PARTIAL, OR NO AGREEMENT (SOME SEND THE AGREEMENT)

AT NEXT COURT DATE: PARTIES SUBMIT AGREED JUDGMENT ON ALLOC / RESP, WHICH INCLUDES PARENTING PLAN

MOVE ON TO CHILD SUPPORT (CS)

HFS ONLINE TOOL GROSS TO NET TABLE

CS SOFTWARE INCLUDES OTHER THINGS, SO COULD BE DIFFERENT RESULTS

SOME COURTHOUSES HAVE THE SOFTWARE ON PUBLIC COMPUTERS

DOESN'T TAKE EVERYTHING INTO CALCULATION. BUT IT IS MOBILE FRIENDLY

NEED TO KNOW ABOUT OTHER PARENT'S CS TO BE ABLE TO CORRECTLY CALCULATE (SHOULD GET ON FINANCIAL AFFIDAVIT, BUT OFTEN DON'T FILL OUT CORRECTLY)

PARENTAGE FINANCIAL AFFIDAVIT SHOULD JUST BE INCOME (ATTACH PAY STUBS) AND LIST OTHER CS OBLIGATIONS OR AWARDS OR SUPPORTING CHILD WITHOUT COURT ORDERS

HAVE TO PUT IN ORDER WHAT THE STATUTORY AMOUNT WOULD BE (# SYSTEM GIVES YOU) BUT CAN DEVIATE BY AGREEMENT OR JUDGE ORDER (HAVE TO SAY WHY)

CS TRIAL / HEARING ONLY IF CAN DETERMINE SOMEONE'S INCOME OR IF WANT DEVIATION

IF PARTIAL OR NO AGREEMENT ON ALLOC / RESP

APPOINT CR/GAL (WHO & IF DEPENDS ON THE COURT)

JUDGES ARE USING "OTHER AVAILABLE METHODS" SO A LOT OF JUDGES ORDERING THERAPY (ISSUE OF IT SAYING IF COURT ORDERED CAN'T USE IN COURT)

INVESTIGATION

MOST JUDGES WILL TRY TO NARROW THE ISSUES FOR TRIAL

SET FOR TRIAL

DAY BEFORE TRIAL, EACH SIDE NEEDS UPDATAD FINANCIAL AFFIDAVIT AND PARENTING PLAN PROPOSAL FOR JUDGE TO REVIEW

GALS ARE WITNESSES, CR ARE ATTYS IN THE CASE

GALS GET TO ASK QUESTIONS AND GIVES STATEMENT IN SOME COURTS

THEN CHILD SUPPORT CALCULATION

CS CALCULATION IS BASED ON NUMBER OF OVERNIGHTS. SO ALLOC / RESP NEEDS TO BE DECIDED FIRST

EFFECTIVE DATE BY STATUTE COULD BE BIRTH, BUT USUALLY THE DATE OF FILING

STATEWIDE FORMS FOR PARENTING PLANS AND CHILD SUPPORT ORDERS (WITHHOLDING ORDERS IMPT) GETS MESSY REALLY FAST ESP WITH UNEMPLOYMENT

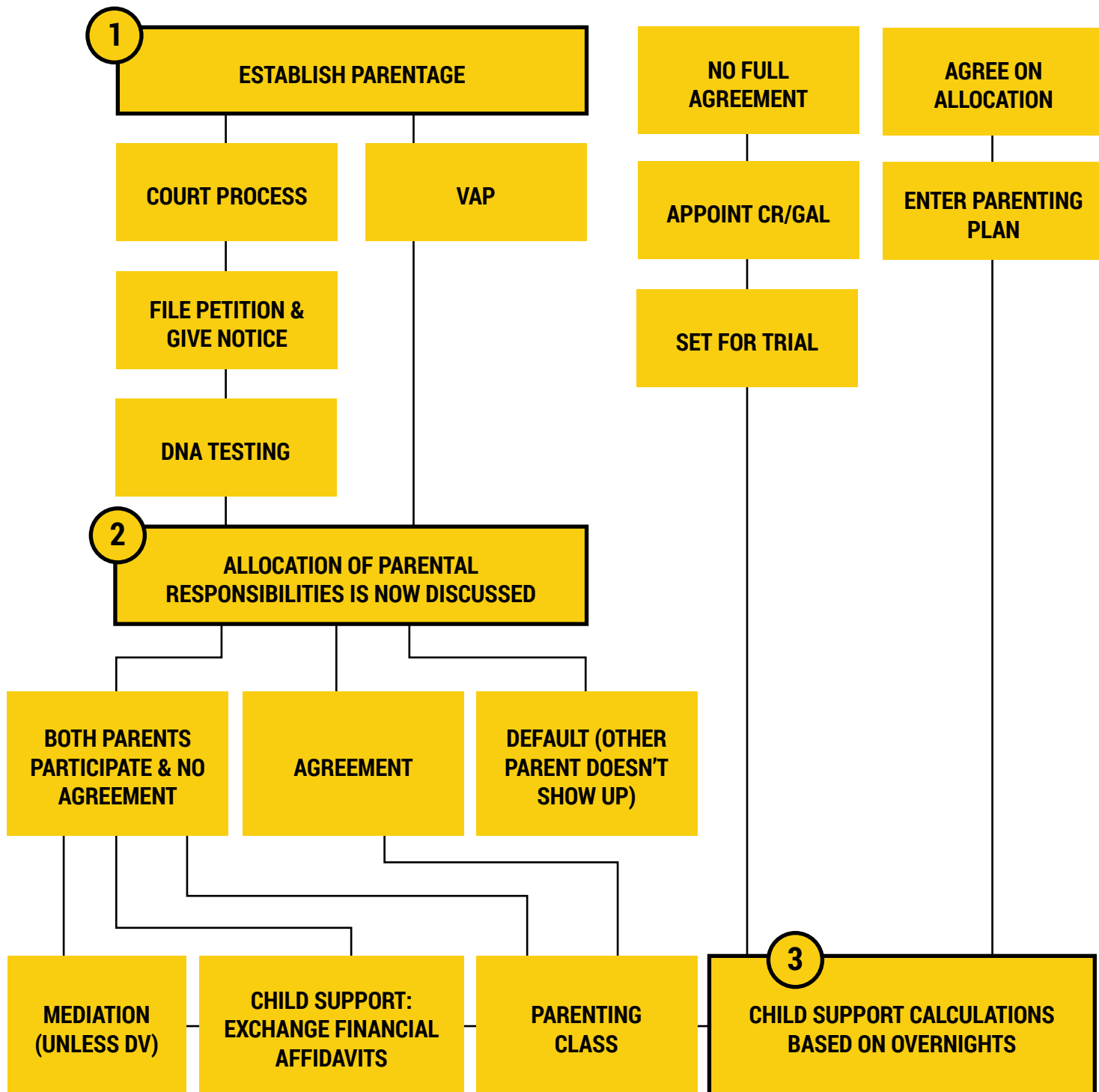
HFS HAS LONGER TENTACLES FOR ENFORCEMENT

IF THROUGH SDU OR OTHER SERVICE (ADDED COST) THERE ARE DELAYS, LOTS OF STEPS

PARENTING COORDINATOR (IS A PERMANENT GAL AFTER TRIAL WHEN THERE ARE ONGOING ISSUES)

IN PLACE OF MEDIATION OR GOING BACK TO COURT. AND THEY CAN DICTATE DECISIONS

SIMPLIFIED COURT PROCESS FOR PARENTAGE CASES IN ILLINOIS



CATEGORIES OF NONPROFITS SHOWN IN MAP ON PAGE 26

Adoption
Adult day care organization
Adult, Child Matching Programs
Adult, Continuing Education
AIDS
Alcohol, Drug Abuse, Prevention Only
Alcohol, Drug Abuse, Treatment Only
Alcohol, Drug and Substance Abuse, Dependency Prevention and Allergy Related Diseases
Alliance/Advocacy Organizations
Alzheimer's Disease
Ambulance, Emergency Medical Transport Services
Ambulatory Health Center, Community Clinic
Arthritis
Birth Defects and Genetic Diseases
Blind/Visually Impaired Centers, Services
Boy Scouts of America
Boys and Girls Clubs (Combined)
Boys Clubs
Brain Disorders
Cancer
Child Abuse, Prevention of
Child Day Care
Children's, Youth Services
Citizen Participation
Civil Liberties Advocacy
Civil Rights, Advocacy for Specific Groups
Civil rights, social action and advocacy
Civil Rights, Social Action, Advocacy N.E.C.
Community Coalitions
Community Health Systems
Community improvement and capacity building
Community Improvement, Capacity Building N.E.C.
Community Mental Health Center
Community Recreational Centers
Community Service Clubs
Community, Neighborhood Development, Improvement (General)
Congregate Meals
Consumer Protection, Safety
Counseling, Support Groups
Crime and legal-related
Crime Prevention N.E.C.
Crime, Legal Related N.E.C.
Delinquency Prevention
Developmentally Disabled Centers, Services
Disabled Persons' Rights
Disaster Preparedness and Relief Services
Diseases of Specific Organs
Diseases, disorders, and medical disciplines
Diseases, Disorders, Medical Disciplines N.E.C.
Dispute Resolution, Mediation Services
Down Syndrome
Drunk Driving Related
Economic Development
Emergency Assistance (Food, Clothing, Cash)
Employment
Employment Procurement Assistance, Job Training
Employment, Job Related N.E.C.
Ethnic, Immigrant Centers, Services
Family Counseling
Family Planning Centers
Family Services
Family Services, Adolescent Parents
Family Violence Shelters, Services
Financial Counseling, Money Management
Financial Institutions, Services (Non-Government Related)
Food Banks, Food Pantries
Food Service, Free Food Distribution Programs
Food, agriculture and nutrition
Food, Agriculture, and Nutrition N.E.C.
Foster Care

Gambling Addiction
 Girl Scouts of the U.S.A.
 Girls Clubs
 Group Home (Long Term)
 Group Home, Residential Treatment Facility - Mental Health Related
 Health - General and Rehabilitative N.E.C.
 Health care
 Health Support Services
 Health Treatment Facilities, Primarily Outpatient
 Health, General and Financing
 Home Health Care
 Homeless Persons Centers, Services
 Homeless, Temporary Shelter For
 Homemaker, Home Health Aide
 Hospice
 Hospital, General
 Hospital, Specialty
 Hospitals and Related Primary Medical Care Facilities
 Hot Line, Crisis Intervention Services
 Housing and shelter
 Housing Development, Construction, Management
 Housing Expense Reduction Support
 Housing Owners, Renters Organizations
 Housing Rehabilitation
 Housing Search Assistance
 Housing Support Services -- Other
 Housing, Shelter N.E.C.
 Human Service Organizations - Multipurpose
 Human services
 Human Services - Multipurpose and Other N.E.C.
 International Migration, Refugee Issues
 Labor Unions, Organizations
 Law Enforcement Agencies (Police Departments)
 Leadership Development
 Legal Services
 Lesbian, Gay Rights
 Libraries
 Low-Cost Temporary Housing
 Meals on Wheels
 Men's Service Clubs
 Mental health and crisis intervention
 Mental Health Association, Multipurpose
 Mental Health Treatment - Multipurpose and N.E.C.
 Mental Health, Crisis Intervention N.E.C.
 Military, Veterans' Organizations
 Minority Rights
 Neighborhood Centers, Settlement Houses
 Neighborhood, Block Associations
 Nonprofit Management
 Nursing Services (General)
 Nursing, Convalescent Facilities
 Nutrition Programs
 Parent/Teacher Group
 Patient Services - Entertainment, Recreation
 Personal Social Services
 Pregnancy center
 Protection Against, Prevention of Neglect, Abuse, Exploitation
 Psychiatric, Mental Health Hospital
 Public Health Program (Includes General Health and Wellness Promotion)
 Public Housing Facilities
 Public Interest Law, Litigation
 Public safety, disaster preparedness and relief
 Public Safety, Disaster Preparedness, and Relief N.E.C.
 Public support and societal benefit
 Public, Society Benefit - Multipurpose and Other N.E.C.
 Rape Victim Services
 Rehabilitation Services for Offenders
 Reproductive Health Care Facilities and Allied Services
 Residential, Custodial Care
 Salvation Army
 Search and Rescue Squads, Services
 Senior Centers, Services
 Senior Citizens' Housing/Retirement Communities
 Senior Continuing Care Communities
 Services to Prisoners and Families - Multipurpose
 Services to Promote the Independence of Specific Populations
 Sheltered Remunerative Employment, Work Activity Center N.E.C.
 Supplemental Unemployment Compensation
 Transportation, Free or Subsidized
 Travelers' Aid
 Urban League
 Urban, Community Economic Development
 Victims' Services
 Vocational Counseling, Guidance and Testing
 Vocational Rehabilitation

Vocational Training
Vocational, Technical Schools
Voter Education, Registration
Women's center
Women's Rights
Women's Service Clubs
Young Men's or Women's Associations (YMCA, YWCA, YWHA, YMHA)
Youth Centers, Clubs, Multipurpose
Youth development
Youth Development - Agricultural
Youth Development - Business
Youth Development N.E.C.
Youth Development Programs, Other

Stock Photo Citations:

All photos are from Pexels.com by the following photographers: Alex Green, Andrea Piacquadio, August De Richelieu, Cottonbro, Ekaterina Bolovtsova, Jep Gambardella, Nappy, Sora Shimazaki, Visionpic Net.

