

Metropolitan Family Services

Legal Aid Society

Client Handbook

The Legal Aid Society of Metropolitan Family Services gratefully acknowledges the support and generosity of the Chicago Department of Family & Support Services, the Office of the Attorney General of Illinois, and HUD in helping to provide comprehensive legal services and education to victims of domestic violence.

FACTS ABOUT DOMESTIC VIOLENCE

Domestic violence occurs when a person uses physical or psychological abuse, threats, intimidation, or harassment to control another person in a family, dating, household, or caretaker relationship.

Domestic Violence impacts thousands of people nationwide.

One in four women and one in ten men will be survivors of domestic violence in their lifetime.

Approximately 95% of domestic violence victims are women.

Every fifteen seconds a woman in the United States is abused.

Domestic Violence is a major problem in Chicago.

In 2019, the Illinois Domestic Violence Helpline received 24,400 calls. 18,299 were from Cook County.

Domestic Violence harms children as well as adults.

Children who grow up in violent homes come to believe violence is a normal and acceptable way to control someone else. Children who grow up in violent homes are more likely to become perpetrators or victims themselves.

Domestic Violence gets worse over time.

Violence in the home usually becomes more frequent and severe over time. An abuser's apologies do not mean that the violence will not occur again.

THE REALITY OF DOMESTIC VIOLENCE

“Victims provoke abuse by questioning or angering their partner”

Reality: Abusive people believe they have the right to control and restrict their partner's lives, often because they believe their own feelings and needs should be the priority in the relationship, or because they enjoy exerting the power that such abuse gives them. Abusers often make excuses for their actions, which may mean blaming their actions on you.

“Your partner was drunk. They did not mean to hurt you”

Reality: There is no justifiable reason for abuse. Alcohol does not cause abuse. People are responsible for their own actions. People can drink or face stress without causing harm to others.

“A person who stays with their partner after being abused must be okay with it”

Reality: There are many reasons why people may remain with abusive partners, including fear of further violence, the financial hardships of leaving, emotional attachment to their partners, having children together, etc. Abusive partners use power and control to make their partners feel like they cannot or should not leave. Regardless of your situation, you deserve to be supported in

your decision-making. Read the section on Safety Planning in the handbook to learn about how to prepare to leave safely if you need to.

“Reporting domestic violence will automatically result in jail and loss of employment for the abuser”

Reality: Each case is different. An Order of Protection or an arrest does not automatically result in jail time or loss of employment for the abuser. You have options when it comes to your case, and should discuss these with your attorney. If you have a criminal case, you should discuss the potential sentence with the State’s Attorney’s Office.

“My partner promised to get counseling. They promised it will never happen again”

Reality: People who choose to leave an abusive situation face mixed messages like these from their partner. These messages can be confusing and may make a person feel like they should stay. People who abuse tend to make promises when they feel that they are not in control. As you take steps toward your independence, your partner is likely to promise many things to regain that control.

“It’s really not that bad, we have had great times.”

Reality: All relationships have good and bad times, but bad times should not mean violence. Physically or emotionally violent relationships are not good for anyone. Healthy relationships are not about power and control.

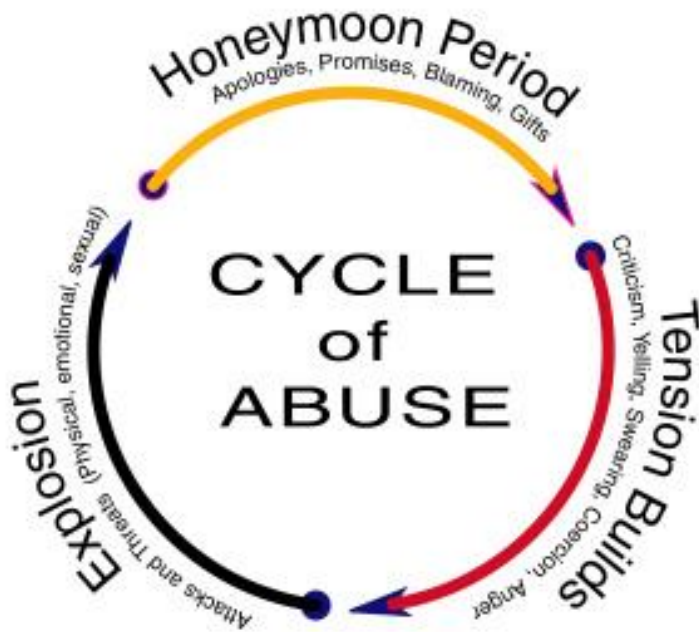


THE CYCLE OF VIOLENCE

In abusive relationships, violence usually occurs in a pattern, which is known as the cycle of violence. This cycle is viewed to happen in phases: the tension building phase, the incident phase (explosion), and the honeymoon phase (reconciliation and calm). See the graphics below for some examples on what may happen during each phase. Remember that each situation is different, and you may experience violence differently from others.

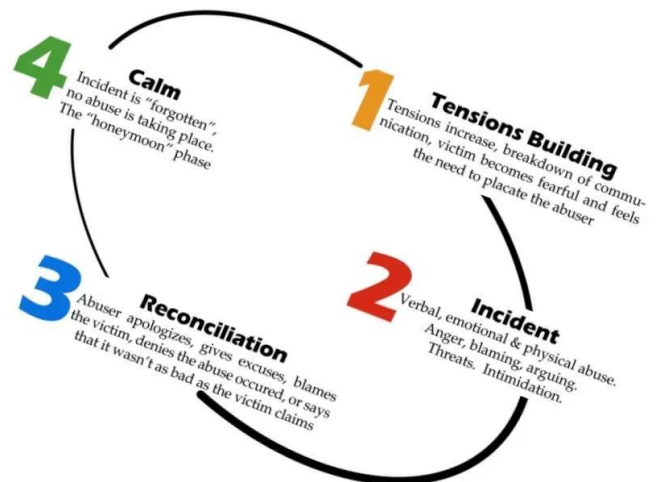
It is important to remember that during the weeks after you begin an Order of Protection case, your abuser may be apologetic and may make many promises. This may be confusing, and you may contemplate changing your mind about continuing with your court case. While it is always *your decision* whether to return to court and proceed with the case, it is important to consider that the honeymoon phase may end, and the cycle may begin all over again.

On the other hand, the beginning of an Order of Protection case or ending the relationship might escalate things. If you think this may cause a negative reaction from your abuser, it will be important to create a safety plan to ensure your safety if leaving the relationship or shared living situation. See the next section for assistance with safety planning.



Dr. Lenore E. Walker

THE CYCLE OF ABUSE



SAFETY PLANNING

Here are some suggestions to consider:

- Know where important documents are kept, and if possible have them all in one place where you can easily get them if you need to flee. If you're planning to leave, possibly leave documents and a bag of necessary items at a safe friend or family member's home. Important items to keep in mind:

Cash/credit cards	School/vaccination records
Driver's license	Keys (house, car, work)
Social Security cards	Medications
Birth Certificates	Lease, house deed, title
Green card	Tax Information
Passport	Clothing
Public assistance card	Order of Protection
Work permit	Phone/Laptop/Chargers
- Have important phone numbers and addresses memorized in case you are unable to use your own phone.
- It is possible to call 911 through the emergency button on a smart phone without unlocking the phone
- Know what route you would take out of your home and how you would get to your safe location, think about how you would get some place if you don't have access to your phone's GPS.
- Have a safe word you can use to tell your children, family, or friends that they should call the police
- The most dangerous rooms in the home are the kitchen, bathroom, and any rooms with weapons present. If at all possible, try to get to rooms where you can easily flee or gain access to the phone if you need to call the police.
- Let your children's school, day care, and after school programs know who has permission to pick up your children, and provide them a copy of the order of protection if you feel comfortable.
- Make sure you have a copy of your order of protection on you at all times, even if it's just photos saved on your phone.

INTERNET AND COMPUTER SAFETY

- Don't save your information (passwords, credit/banking, contacts) unless you know that the computer is fully secure - don't stay logged into your accounts on computers that you share with other people.
- If you need to hide your search history and internet activity, a simple way to make sure nothing is saved to your computer is to use the incognito browser or private browser option available with Google Chrome, Safari, and Internet Explorer.
- To make sure you won't receive ads based on your searches, you can use private search engines like DuckDuckGo which do not save search history. Options like Google will save your search history and could then advertise things to any devices connected to your accounts which could provide information about your actions to your abuser. However,

your internet browser will still have a record of what was looked at in the history so anyone with physical access to your device can see the history. You can delete the history by going into the options setting on your browser.

- If you are concerned your abuser downloaded an application to monitor you on your devices, you can reset them to factory settings. Before doing that, you should make sure you have all important documents saved on another device (you can store them as attachments in your email and then download them if you know that your email is safe). If you feel uncomfortable doing so, you can bring your computer to a store like BestBuy or Apple and ask for assistance.
- You can use dual authentication with your email and many bank accounts, which would send you a text or call your phone if anyone attempted to enter your accounts.
- To keep social media and email accounts safe, you can force sign out of all locations other than the one you are currently using. You should then change your password to make sure your abuser can no longer access your accounts.
- To prevent your abuser from contacting you, block their numbers and all social media accounts that you know they use. If they contact you from a different account block that one as well and change your settings on social media to a private profile so they can't see your activity and change your messaging options to only allow messages from those you're friends with/follow on the platform.

OTHER PROTECTIONS

Safe Homes Act:

If you're afraid to remain at your address, you can use the Safe Homes Act in order to end your lease early without penalty. You must provide written notice within 3 days before you move or within 3 days after you move. You can also have your locks changed through the act if your abuser is not on the lease or if they are on the lease but you have an order of protection. For more information go to Illinois Legal Aid Online at illinoislegalaid.org.

Victims' Economic Security and Safety Act (VESSA):

Allows employees to seek services, legal or counseling as well as other necessary services, without fear of being fired. Employers are required to keep the information confidential. To use VESSA leave you must provide 48 hours notice except in cases where it is impossible due to emergency circumstances - after the emergency you must provide proof of the emergency. An order of protection or a police report are two examples of proof. More information can be found on the Illinois Department of Labor website.

DEFINITIONS OF ABUSE UNDER THE LAW

According to the Illinois Domestic Violence Act (1986), there are five categories of abusive behavior. If you have experienced any of these behaviors, you have been abused and are eligible to receive an Order of Protection.

1. **Physical Abuse**: This is defined by the knowing or reckless use of physical force, confinement, or restraint; the knowing or reckless repeated deprivation of sleep; or knowing or reckless conduct which creates an immediate risk of physical harm.
2. **Harassment**: This is defined by knowing conduct that is unnecessary to accomplish a purpose, would cause anyone emotional distress, and has caused you emotional distress. Some examples of harassing behaviors are:
 - creating a disturbance at your work
 - repeatedly telephoning your work
 - repeatedly following you in public places
 - keeping you under surveillance
 - improperly concealing your child from you, or threatening to remove your child from your physical care
 - threatening physical force, confinement, or restraint on more than one occasion
3. **Interference with personal liberty**: This is defined by committing or threatening physical abuse, harassment, or intimidation, or making you do something you do not want to do.
4. **Willful deprivation**: This is exposing a person to risk of physical, mental, or emotional harm by denying him or her medication, medical care, shelter, food, therapeutic devices, or other physical assistance. Examples of willful deprivation are denying an elderly person medical care, or locking a partner in a room and denying him or her food.
5. **Intimidation of a dependent**: This is subjecting a person who is a dependent due to age, health, or disability, to physical abuse.

WHAT IS AN ORDER OF PROTECTION?

An Order of Protection is a written court order, signed by a judge, which requires an abuser to do, or not do, certain things for your protection.

The Order can:

- Order an abuser to not abuse, harass, or stalk you, your children, and people in your household.
 - This includes not having contact in-person, by phone, or attempting to contact you through another person.
- Order an abuser to leave and/or not enter your home for a certain period of time.
 - Or order an abuser to not enter your home under the influence of drugs or alcohol.
- Order an abuser to return certain property to you and prohibit the abuser from destroying your property.
- Order protection for your child(ren).
- Order protection for any pets you may have.
- Award physical care and possession of minor child(ren).
- Award temporary legal custody.

- Order the abuser to pay temporary support to you and/or your child(ren).
- Prohibit the abuser access to school records if the abuser is prohibited contact with a minor child.

HOW LONG DOES IT LAST?

Your Emergency/Ex Parte Order of Protection is temporary, and you must return to court on your assigned court date if you want the Order of Protection extended. You and your attorney can discuss for how long you can extend the Order. Your partner, and possibly their attorney, may be present at this court date. If you decide to request a long term order of protection, you might have to testify to the abuse you experienced. If your partner brings an attorney, they will also be allowed to cross examine you. Therefore, during the time in between court dates, it might be helpful to save all evidence you want to use (screenshots, photos, etc.).

WHAT TO EXPECT AT AN ORDER OF PROTECTION COURT DATE

After you have decided to or have obtained an Order of Protection, you will have a series of court dates. Here is what you can expect to happen:

- At the court date where you request an Order of Protection:
 - You (and possibly an advocate or attorney) will prepare a petition and affidavit to request an order of protection. This outlines information about you, your partner, your children, and the incidents of abuse you experienced which explain why you need an Order of Protection.
 - You may need to testify in open court to the incidents. Your attorney or the Judge may be able to lead you in that testimony, but also be prepared to state out loud to the Judge what happened to you on the dates contained in the petition.
 - After hearing your testimony, the Judge will decide whether or not to grant you an Emergency/Ex Parte Order of Protection. After the hearing, you will get copies of your paperwork.
 - Keep a copy of the full order and petition in your house, and keep copies of the Order of Protection with you at all times and have copies in your car, and at your babysitter's, the school, your work, etc. You can also take pictures of the Order of Protection to save on your phone.
- At all other court dates:
 - On your court date, the courtroom may be very busy. Wait until your case is called.
 - Your abuser might be in court at any court dates. If you feel unsafe, tell the sheriff's deputy in the courtroom.
 - When your case is called, you and your advocate or attorney will step up in front of the judge.
 - Your attorney will speak to the judge about your case. If you do not have an attorney, the judge will speak directly to you.
 - If you have an advocate or an attorney, they will make you extra copies of any court documents that you will need.

- You will be given another date when you will need to return to the courthouse to extend your Order of Protection or proceed with other matters in the case. If you do not return on that court date, your case will be dismissed.

CRIMINAL PROCESS IN CHICAGO

- If you have a police report and would like to see if it is possible to press charges against the abusive party, you should speak with the state’s attorney’s office.
- You will speak with a Victim Witness Specialist who will ask you for your name and some contact information as well as information from your police report. You must have the report number with you since you will be asked to provide it.
- A state’s attorney will speak with you and ask you questions about the incident to determine if they are able to put through charges for you. If they are, they will also ask if you would like an order of protection in the criminal case.
 - If you have children with the other person, you may be eligible to work with the LAS’s Safe Families Program, who can request that your child be a protected party and who can work with you on other child related remedies of an order of protection.

WHAT TO DO IF YOUR ABUSER VIOLATES YOUR ORDER OF PROTECTION

The best way to enforce your Order of Protection is by filing criminal charges if your abuser violates the Order. Violations of an Order of Protection include anything explicitly against the Order, such as contacting you by call, text, or through a third party or by attempting to enter your residence. In order to qualify for a Violation of an Order of Protection charge, your abuser must first be served with the order either by law enforcement or in court. If you call the police while your abuser is still at the scene, you can tell the police you have an Order of Protection and that your abuser needs to be served with it. If you have to call the police, make sure to ask for a police report.

To report a Violation of an Order of Protection you should:

- Call the police immediately. If the police do not respond to your call, go to the nearest police station to report the violation.
- Tell the police you have an Order of Protection and your abuser is violating it. If your abuser is present when the police arrive, ask that they be arrested for violating the Order.
- Even if your abuser is not arrested, ask the police to complete a report for a Violation of the Order of Protection, and ask for a copy of the report or the report number.
- Take down the names and badge numbers of all the police who assist you, if possible.
- After reporting the violation to the police, call your attorney or advocate to let them know what happened.

To file criminal charges for Violation of an Order of Protection:

- Contact the State’s Attorney’s Office to initiate charges.
 - If you have an existing criminal case against your abuser with the State’s Attorney’s Office, explain that you already have a pending case.
- See “Criminal Process Information” above.

LEGAL ASSISTANCE ORGANIZATIONS

Legal Aid Society of Metropolitan Family Services

- Provides free civil legal assistance to low income Cook County and DuPage County residents. Services provided by the LAS Safety & Family program include Orders of Protection, divorce, custody and visitation, child support applications, elder law, legal advice for domestic violence cases, and referrals. LAS also has other programs that work on housing and economic security, immigration benefits, victims' rights advocacy, employment and wage theft issues, and cannabis expungement.
- Intake Hours: 9 AM – 12 PM and 2 PM – 4PM, Monday through Friday
- Intake Line: (312) 986-4105

Ascend Justice

- Provides legal advocacy and assistance for survivors of gender-based violence. Services provided include financial and housing assistance, family defense in DCFS cases, family law (divorce, custody, visitation, child support), orders of protection, immigration services.
- Intake Hours: 8:30 AM - 5 PM, Monday through Friday (English/Spanish)
- Intake Line for Orders of Protection: (312) 239-0413
- For non-emergency services: intake@ascendjustice.org

Legal Aid Chicago

- Provides free civil legal assistance to low income Cook County residents. LAC handles housing, employment, consumer, family, disability and other governmental benefits issues.
- Intake Line: (312) 341-1070

The National Immigrant Justice Center

- Provides legal advice and representation for immigration benefits, including VAWA (self-petition for spouses and children of U.S. Citizens and Legal Permanent Residents who have been abused) and U-Visas (immigration application for victims of crimes).
- Intake Line: (312) 660-1370
- Intake Hours: Tuesday, Wednesday, and Thursday, 8:30 am - 4:30 pm

Coordinated Advice and Referral Program for Legal Services (CARPLS)

- CARPLS is a legal aid hotline where people can speak directly to attorneys that provide legal advice and referrals to low income Cook County residents. They also have four court-based self help centers for people representing themselves in court.
- Hotline: (312) 738-9200 or make an appointment at <https://bookedin.com/book/carpls-legal-aid>

Life Span Center for Legal Services

- Provides civil representation in Orders of Protection, divorce and other family law matters. They have a criminal court advocacy program at the Chicago Domestic Violence Courthouse, the Rolling Meadows Courthouse, and the Skokie Courthouse. They can also

provide immigration assistance for domestic violence survivors and have counseling programs.

- Intake Hours: Tuesday through Thursday 9:30 AM – 12 PM
- Intake Line for Legal Services: (312) 408-1210

IllinoisLegalAid.org

- Website that provides access to information about domestic violence and other areas of law, forms, self-help instructions for common legal problems, and referrals to free and low cost legal aid offices. (See the Internet Safety section of this handbook for important information regarding safe online access)

COURTHOUSES

The Domestic Violence Courthouse is located at 555 West Harrison (corner of Clinton/Harrison) in Chicago. It is 2 blocks from the Clinton Blue Line. If you want to obtain a civil Order of Protection not connected with a divorce or criminal matter, you can request assistance from different advocacy groups including:

- Metropolitan Court Advocacy (312) 325-9175
- Family Rescue (312) 325-9300

There are also attorneys present from Ascend Justice, however they only take a limited number of cases per day, so it's best to arrive early. Their number is (312) 325-9155.

Domestic violence victims that have a suburban Cook County police report should go to the District Court for that suburb. Civil Orders of Protection can also be obtained at your local district court. There are advocacy agencies who can assist you at all the suburban courthouses as well.

District 2	5600 Old Orchard Road, Skokie	(847) 470-7250
District 3	2121 Euclid Ave, Rolling Meadows	(847) 818-3000
District 4	1500 Maybrook Drive, Maywood	(708) 865-6040
District 5	10220 South 76 th Ave, Bridgeview	(708) 974-6500
District 6	16501 South Kedzie Pkwy, Markham	(708) 210-4262

OTHER RESOURCES

Illinois Domestic Violence Help Line:

- Provides confidential assistance 24 hours a day. They provide multilingual resource information and provide connections to shelters throughout the state. They can also connect you to advocacy services and counseling in your area.
- Call 877-863-6338
- Text 877-863-6339

Metropolitan Family Services:

There are 4 centers around Chicago and 3 in the suburbs offering services like safe exchange, domestic violence individual and group counseling, and many other services like employment and after school programming. To find the location closest to you go to:

<https://www.metrofamily.org/community-centers/>

Childcare:

Illinois Action for Children - (312) 823-1100

Employment:

DFSS helps with shelter, food, clothing, job training/placement, and rent/utility assistance. Call 311 for a referral to a center in your community.

Emergency Food and Clothing:

Chicago Department of Human Services. Please call 311.

Mental Health:

National Suicide Prevention Hotline: 800-273-8255

RAINN - National Sexual Assault Crisis Line: 800-656-4673

NAMI Chicago: 833-626-4244