

August 26, 2026

Illinois Supreme Court

Rules Committee

Via Email: RulesCommittee@illinoiscourts.gov

Re: Proposed Rule 25-09

Dear Members of the Rules Committee:

The Legal Aid Society (LAS) of Metropolitan Family Services submits this comment in support of the approval of Proposal 25-09. LAS, based in Chicago, Illinois, was founded in 1886 and is the oldest legal aid organization in Illinois and the second oldest in the nation. Our programs help survivors of domestic violence in civil and criminal orders of protection and family law cases in Chicago, Markham, Bridgeview, and DuPage County courthouses. LAS specializes in serving survivors with children and survivors who are elderly and/or disabled.

In the courthouses and court divisions that we practice in, some order of protection cases are transcribed or recorded. This is best practice to ensure that there is an accurate record for any litigation at the trial or appellate levels and for enforcement issues. However, some order of protection proceedings are not transcribed/recorded, meaning that a litigant would have to hire their own court reporter to be present. This is not an option for many survivors of domestic violence, especially self-represented ones. This rule is necessary to create uniformity throughout the state and to ensure that there is an official record of the proceedings to refer to in the future.

Often, our work at the Domestic Violence Courthouse involves Respondents claiming they were never served or that they were never told about specific portions of the order of protection when it is served in open court. Without a transcript proving exactly what was said, this could result in the dismissal of criminal charges and the inability to enforce a properly issued order of protection. Having access to the transcript of the proceedings ensures that Petitioners are protected. Additionally, in litigation, a judge or an attorney may have notes, either limited or in depth, on a case -- but there is still room for misremembering what truly occurred. Not only is requiring all order of protection hearings to be transcribed/recorded a benefit to the parties, but it is also a benefit to the court.

Requiring a recording within all protective order proceedings preserves the voices of survivors that are especially vulnerable. The IDVA recognizes that domestic violence against high-risk adults with disabilities is a serious problem and highlights the need for the court to issue remedies to protect the especially vulnerable. 750 ILCS 60/102(3). Having a transcript preserves the testimony of survivors who may lose capacity during the proceedings; sometimes due to conditions exasperated by the abuse suffered necessitating the protective order in the first place.

Additionally, some victims of domestic violence have the justice system turned against them when their abuser files false allegations against them. To combat this, a respondent on an order of protection may file a motion governed by section 224(d) of the IDVA. This portion of the IDVA allows a respondent to request that the court re-hear the original or amended petition. It is typical to request a copy of the transcript from that hearing to address the specific allegations made and to rebut those allegations. Transcripts also provide support for any meritorious defenses that criminalized survivors wish to make.

Requiring the courts to create and maintain a record of all protective order proceedings is in line with the purpose of the IDVA to support victims of domestic violence to avoid further abuse by promptly entering and diligently enforcing court orders which prohibit abuse. 750 ILCS 60/102(4). Maintaining a record of all protective order proceedings either by stenographic or by an electronic recording system allows for clarity for all parties, protected persons, and the court -- which is especially important in matters where a case may be transferred, bifurcated, or consolidated into another matter. Lack of a transcript may impact enforcement of protective orders resulting in negative ramifications for survivors seeking help.

Therefore, to continue to support survivors of domestic violence and their access to legal remedies, Proposal 25-09 should be approved.

Sincerely,



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