



August 27, 2026

Supreme Court Rules Committee
222 N. LaSalle Street, 13th Floor
Chicago, Illinois 60601
Submitted via email to RulesCommittee@illinoiscourts.gov

RE: Ascend Justice's Comments in Support of Proposal 26-07 to Amend Illinois Supreme Court Rule 906 (Attorney Qualifications and Education in Child Custody and Visitation Matters)

To the Illinois Supreme Court Rules Committee,

Please accept these comments from Ascend Justice in support of Proposal 26-07 to amend Illinois Supreme Court Rule 906 (Attorney Qualifications and Education in Child Custody and Visitation Matters) and with suggested modifications to the proposed language. These comments describe Ascend Justice's expertise in domestic relations and child custody cases, explain the reasons the proposed rule change is necessary, and provide recommended changes to the proposed rule change.

Ascend Justice's Expertise

Ascend Justice is a legal services organization that provides free legal representation to survivors of domestic violence in a variety of civil legal proceedings, including family law. Ascend Justice's family law lawyers represent survivors of domestic violence in domestic relations and child custody cases. Ascend Justice lawyers practice under and have a thorough understanding of the language and practical implications of the Marriage and Dissolution of Marriage Act (750 ILCS 5), Parentage Act (750 ILCS 46), and the Domestic Violence Act (750 ILCS 60). Ascend Justice lawyers routinely interact with guardians ad litem (GALs) and child representatives appointed under these acts pursuant to Illinois Supreme Court Rule 900 on cases in which Ascend Justice represents a parent who is a survivor of domestic violence.

Ascend Justice represents an average of 100 clients in domestic relations and child custody cases each year, and 100 percent of these clients are survivors of domestic violence. In Ascend Justice's family law cases, a GAL or child representative has been appointed in 44% of all cases,

and in 73% of cases that involve children. In nearly all of the cases that include a GAL or child representative, Ascend Justice lawyers litigate issues around child custody, allocation of parental responsibilities, visitation, and parenting time matters. In addition, Ascend Justice's Managing Director of the Family Law and Protective Orders Division has co-presented the mandatory domestic violence training to GALs, as required by the Cook County Circuit Court. This training is mandated on an ongoing annual basis every October during Domestic Violence Awareness Month so long as the attorney remains on the Court approved GAL/child representative/attorney for children list. Based upon Ascend Justice's professional experience and the needs of client survivors of domestic violence, education on domestic violence for GALs and child representatives is critical to promoting the best interest of children in domestic relations and family law cases and ensuring the safety of and fairness for survivors of domestic violence.

Support for Proposal 26-07

Proposal 26-07 amends Rule 906 to require attorneys appointed in child custody, allocation of parental responsibility, visitation, and parenting time matters to receive four hours of intimate partner domestic abuse (hereinafter "IPDA" or "domestic violence") training in an approved continuing legal education course during the preceding two years prior to their appointment. Ascend Justice supports this IPDA training requirement because it is necessary for GALs and child representatives to recognize IPDA, apply circumstances of IPDA to statutory factors for allocating parental responsibilities, and consider aspects of co-parenting impacted by IPDA that are outside of the statutes yet within the scope of their recommendations. In addition to promoting consistent consideration of domestic violence and its application to child-related recommendations, this training will also help counteract personal bias against domestic violence survivors.

Identifying IPDA

Despite the prevalence of domestic violence, many GALs and child representatives struggle to identify domestic violence in cases and accurately recognize the dynamics of intimate partner domestic abuse. This training is important to help GALs and child representatives identify domestic violence so that they can make sound recommendations regarding child matters that advance the best interest of children and do not jeopardize the safety of the parent survivor of domestic violence.

Domestic violence in family law cases impacting children is very prevalent in Illinois. In Illinois, 42% of women and 26% of men will experience domestic violence in their lifetime.¹ About 25% of dissolutions of marriage involve domestic violence.² In Illinois, there were 85,246 family law

¹ Jaclyn Houston-Kolnik, Anne Kirner, Rishi Guharay, and Jennifer Hiselman, *Domestic Violence Trends in Illinois: Victimization Characteristics, Help-Seeking, and Service Utilization*, ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY (October 17, 2019), <https://icjia.illinois.gov/researchhub/articles/domestic-violence-trends-in-illinois-victimization-characteristics-help-seeking-and-service-utilization>.

² *Divorce and Abuse in the U.S.: Key Statistics and Trends*, OPERATION SAFE ESCAPE (March 5, 2025), <https://safeescape.org/divorce-and-abuse-in-the-u-s-key-statistics-and-trends>.

cases in the circuit courts around the state in 2024.³ This means that domestic violence was present in over 21,300 family law cases in Illinois. While Illinois does not track the number of children involved in family law cases, extrapolating trends in Ascend Justice’s caseload across the state demonstrates that thousands of children exposed to domestic violence are subjects of family law cases each year.

Amidst this prevalence, the existence of domestic violence can be hard to identify. Abuse in Illinois law is defined as “physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful deprivation, but does not include reasonable direction of a minor child by a parent or person in loco parentis.”⁴ This means that domestic violence is not just physical violence. Domestic violence also includes emotional and psychological abuse, and coercive control. Domestic violence can occur even if there are no visible scars. Overall, domestic violence is an escalating pattern of abusive and coercive tactics aimed at exerting power and control over an intimate partner. The roles of the perpetrator of domestic violence and the victim/survivor of domestic violence remain consistent and unchanging within the intimate partner relationship. These roles can be hard to identify because sometimes the victims/survivors of domestic violence use self-defense force to protect themselves and their children. This training will help GALs and child representatives identify both the existence of domestic violence and the roles of each parent.

Ascend Justice lawyers have represented survivors of domestic violence in family law cases in which the GAL/child representative did not accurately identify domestic violence. For instance, some GALs and child representatives will only recognize domestic violence if there is an Order of Protection, police report, or medical report, although many survivors do not seek help or support in these ways.⁵ In a specific case at Ascend Justice, the GAL doubted the mother’s assertions that the father of the children perpetrated domestic violence because she could not produce police or hospitalization records. The GAL concluded that a letter from the mother’s therapist explaining the mother’s experience of post-traumatic stress disorder only showed that the mother was “emotionally unstable,” and not a victim of domestic violence. This GAL also expressed her own bias that the mother was fabricating allegations of domestic violence to gain an advantage in the family law case. In this case, the GAL required the mother to unnecessarily appear in person at a routine status hearing, forcing the mother to stand next to her former abusive partner, thereby subjecting her to safety risks and fear, despite asking to attend via Zoom. By failing to recognize the domestic violence, the GAL acted in non-trauma-informed ways, put the parent survivor at risk of further abuse, and was ultimately unable to make

³*Illinois Court Statistics*, ILLINOIS COURTS (last visited August 24, 2025), <https://www.illinoiscourts.gov/courts/circuit-court/illinois-circuit-court-statistical-reports/>.

⁴750 ILCS 60/103 (1986).

⁵ See, *Data says domestic violence incidents are down, but half of all victims don’t report to police*, USAFACTS (Oct. 21, 2021), <https://usafacts.org/articles/data-says-domestic-violence-incidents-are-down-but-half-of-all-victims-dont-report-to-police/>; Heron, Rebecca L., and Maarten C. Eisma, *Barriers and facilitators of disclosing domestic violence to the healthcare service: A systematic review of qualitative research*. 29 HEALTH SOC CARE COMMUNITY 2021, <https://doi.org/10.1111%2Fhsc.13282>.

appropriate, nuanced, and informed recommendations about remedies for the children. This proposed training would equip attorneys with the necessary information and tools to identify domestic violence even before they start being assigned to family law cases, which would help avoid these unsafe, harmful and unfair outcomes.

Applying Statutory Requirements to Circumstances of IPDA

Understanding the impact of domestic violence on children and on the safety of the parent survivors is directly relevant to the recommendations GAL and child representatives are required to make under the statutes. As such, this training will provide future GALs and child representatives with an understanding of how domestic violence can negatively impact the safety and wellbeing of child and adult survivors in the following ways. It is important for GALs and child representatives to understand that children who witness domestic violence are at serious risk for long-term physical and mental health problems.⁶ Many children exposed to violence in the home are also victims of physical abuse.⁷ Children who witness domestic violence between parents may also be at greater risk of being violent or victims in their future relationships.⁸ In addition, the presence of past or present domestic violence often jeopardizes the safety of survivors of domestic violence during family law cases and after the cases close. Specifically, a 2016 Illinois victim needs assessment concluded that offenders often use children in common (e.g., custody disputes in court, violence during shared custody exchanges) to continue to perpetrate violence.⁹ Furthermore, survivors of domestic violence face an increased risk of more severe violence and even homicide in the years before, during and after a divorce.¹⁰ The short- and long-term impacts of domestic violence on children and the risks to survivors are directly relevant to the recommendations GALs and child representatives are charged with making under the statutes around child custody, allocation of parental responsibilities, visitation, and parenting time matters.

The training requirement in Proposal 26-07 would enable GALs and child representatives to accurately and effectively make recommendations under the statutes about the following child related matters within the context of the serious and often-life threatening dynamics of domestic violence:

⁶ *Effects of Domestic Violence on Children*, U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES, OFFICE ON WOMEN'S HEALTH (last visited August 24, 2026), <https://womenshealth.gov/relationships-and-safety/domestic-violence/effects-domestic-violence-children#references/>

⁷ *Id.*

⁸ *Id.*

⁹ Kolnik, *supra* note 1.

¹⁰ Elina Einio, Niina Metsa-Simola, Mikko Aaltonen, Elina Hiltunen, Pekka Martikainen, *Partner violence surrounding divorce: A record-linkage study of wives and their husbands*, 85 J. MARRIAGE FAM. 2022, <https://pmc.ncbi.nlm.nih.gov/articles/PMC10087196/>.

Best Interest: GALs' and child representatives' main responsibility is to make recommendations consistent with the children's best interests. The following statutory best interest factors for allocation of significant decision-making responsibility and parenting time are directly and indirectly related to domestic violence (750 ILCS 5/602.5, 750 ILCS 5/602.7):

1. The mental and physical health of all individuals involved;
2. The ability of the parents to cooperate to make decisions, or the level of conflict between the parties that may affect their ability to share decision-making;
3. The willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the other parent and the child;
4. The physical violence or threat of physical violence by the child's parent directed against the child; and
5. The occurrence of abuse against the child or other member of the child's household.

It is imperative that GALs and child representatives have a thorough understanding of domestic violence not only to identify domestic violence, but to also understand how domestic violence impacts child wellbeing and safety to competently make best interest determinations.

Co-parenting: The statutes prioritize the parents' abilities to co-parent together. This could involve shared parenting time or decision making. This training will help GALs and child representatives understand that when survivors of domestic violence express being unable to co-parent, it is often because they feel unsafe doing so, not because they are being obstinate or obstructionist to the spirit of the statutes. Specifically, in an Ascend Justice case, the GAL penalized the parent survivor for not being able to facilitate a relationship with the other parent, which is a best interest factor in the Illinois Marriage and Dissolution of Marriage Act as explained above. The GAL deemed the mother to be uncooperative and recommended sole custody to the abusive father. The father had disregarded the children's mental health needs that resulted from being exposed to domestic violence, and as a result of the GAL's recommendation of sole custody, the mother was unable to enroll the children in counseling because the father refused. The children's mental needs, therefore, went unmet to their detriment.

Parenting Time: The existence of domestic violence does not per se eliminate parenting time between the child and the abusive parent. Instead, understanding domestic violence will help ensure that parenting time is designed in ways that are emotionally and physically safe for the children, and could include therapeutic visits.

Information Exchange: The statutes require parents to exchange information, such as where each parent is living. For many survivors of domestic violence, they have not shared their addresses so the abusive ex-partners cannot locate them. Therefore, informing the abusive ex-parents of their addresses would jeopardize their safety. In family law cases, parents are permitted to redact their addresses, but the burden falls on the parents withholding information to justify why they are not disclosing the information. Often, stating that parents are victims of domestic violence is not enough

and parents can be denied parenting time with their children for not disclosing their address due to real safety concerns. In a specific case at Ascend Justice, severe domestic violence occurred two years prior to the point in time of the case. The GAL lacked the ability to recognize that abuse does not end when the divorce begins and refused to take into consideration the mother's reasonable safety fears around revealing her address. The father was the residential parent, and the judge granted the mother overnight parenting time. The father said that he wanted to know where the children would be when they were with the mother overnight, and the GAL agreed. The judge ordered the mother to disclose her address in order to have overnight parenting time. The mother was extremely fearful, but finally agreed because she wanted the time with her children. Her parenting time was delayed by months, and she ultimately had to choose between her safety and seeing her children. Increased domestic violence training would have helped the GAL make a more nuanced recommendation to the court that balanced the priorities placed on information sharing, parenting time, and safety.

Navigating Additional Related Child Matters

GALs and child representatives also provide recommendations about child related matters that are related to but outside of the specific statutory requirements. Often these recommendations are incorporated into marital settlement agreements, and therefore directly impact the safety and wellbeing of the parent survivor and the children on a regular basis. Understanding the consequences and impact of domestic violence should inform the following matters:

Child Exchanges: Exchanging children for parenting time can be a very vulnerable and risky time for survivors of domestic violence. Many survivors of domestic violence request to exchange children in lit public parking lots, at police stations, or at safe exchange organizations. These locations may not be as convenient for or appealing to the other parent. It is important for GALs and child representatives to understand the safety concerns for both the children and the parent survivor when recommending the specifics around parenting time exchanges.

Devices: Technology facilitated abuse occurs when the perpetrator of domestic violence uses technology to harass or monitor the victim of domestic violence. This is relevant to the issue of children having access to electronic devices, which is within the purview of the GAL or child representative's involvement, because these devices can be used to facilitate abuse. In many circumstances, the parent who perpetrated domestic violence wants the children to have a specific device, such as a cell phone, an electronic watch, tablet, or computer. The parent survivor of domestic violence is concerned about this device because of the "find my device" feature or other tracking devices that could have been installed. An understanding of domestic violence will enable GALs and child representatives to navigate these differing parental decisions with a focus on safety, rather than compromise.

Medical Appointments, School Meetings, and Extracurricular Activities: Many GALs and child representatives in Ascend Justice cases have made recommendations in marital settlement agreements that allow both parents to attend medical appointments,

school meetings, and extracurricular activities such as sports games and music performances. In a specific case, both parents were allowed to attend doctor appointments. The parent survivor told the GAL that she was not comfortable going with the other parent because she feels unsafe, and because the ex-partner talks over her, rendering her unable to communicate with the doctor. Rather than modifying the marital settlement agreement, the GAL said that both parents had a right to go to the appointments. While it is often important for both parents to be involved in these aspects of children's lives, an understanding of domestic violence and the resulting emotional and physical safety risks will enable GALs and child representatives to make more nuanced and creative recommendations, such as alternating medical appointments or attending extracurricular events on odd or even dates.

Therapeutic Recommendations: GALs and child representatives often recommend specific therapies and services for either or both parents. Specific types of counseling are recommended when domestic violence is present and certain forms of counseling are contraindicated. For instance, individual therapy, domestic violence counseling, or a partner abuse intervention program are the appropriate therapeutic responses when domestic violence is present. Anger management, couples therapy or marital therapy are not appropriate because they do not address the root cause of domestic violence and could put the parent survivor in emotional and physical danger. In an Ascend Justice case, the GAL concluded that both parents needed to work on their communication skills with their children, and recommended that both parents attend co-parenting therapy together. Without an understanding of domestic violence, the GAL missed the reality that the issue was not about being able to communicate together but rather that the parent survivor did not feel safe communicating with the ex-partner. The GAL, therefore, recommended a service that would at best be useless because the survivor parent would not feel comfortable sharing openly and at worst could place the survivor parent at risk in close proximity with the abusive ex-partner. This required training would help GALs and child representative avoid these dangerous mistakes.

Litigation Abuse: Domestic violence does not stop upon separation, and often perpetrators of domestic violence use the domestic relations court system to continue abusing, harassing, and controlling their former partners.¹¹ Litigation abuse occurs when the abusive partner misuses the court system to maintain power and control by, for instance, filing lengthy and numerous motions, changing lawyers, making frivolous requests and excessive demands for information during discovery, and drawing out the length of time a case remains in the court system. These vexatious tactics significantly increase the financial costs of litigation, and many survivors end up making concessions, acquiescing, or giving up because they are emotional and financially drained. GALs and child representatives have a role to play in notifying the court when litigation abuse is occurring. An understanding of the various tools of abuse, including using the court

¹¹ *Litigation Abuse*, National Domestic Violence Hotline (last visited August 24, 2026), <https://www.thehotline.org/resources/litigation-abuse/>.

system to further control and harass ex-partners, will enable GAL and child representatives to recognize these abusive tactics.

Suggested Modifications to Proposal 26-07

Proposal 26-07 does not require ongoing intimate partner domestic abuse training nor does the proposal impose a training requirement on attorneys who have already been appointed. To address these gaps, Ascend Justice makes the following recommended change in red:

~~2)(3)~~ Periodic continuing education in approved child related courses, **including the requirements in Paragraph (2)**, shall be required to maintain qualification as an attorney eligible to be appointed by the court in child custody, allocation of parental responsibilities, visitation, and parenting time cases. ~~(3)-(4)~~ Requirements for initial pro bono representation. ~~(4)-(5)~~ Attorneys who work for governmental agencies may meet the requirements of this rule by attending appropriate in-house legal education classes.

This addition would ensure that attorneys receive more regular training on domestic violence and equalize the domestic violence training GALs and child representatives are required to have amongst the circuits. If this ongoing training requirement is deemed to be too burdensome, alternative language in red could be replaced with “1.5 hours every year,” which is consistent with the requirements in the Circuit Court of Cook County.

Ascend Justice commends the Illinois Supreme Court for proposing this important rule change. Thank you for considering these comments. Please do not hesitate to contact me with any further questions.

Sincerely,



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