

Cook County sees an average of 10,000 new child support petitions, not associated with a divorce, each year. Each year, about 6,000 new divorce cases with child support needed are also filed in our Domestic Relations court.

2017 brought major changes to the Domestic Relations courts, particularly in Cook County. First, a major re-write of the Illinois Marriage and Dissolution of Marriage Act went into effect, dramatically altering how child support is calculated and creating a vision for shared parenting which considers the variety of contributions parents make to a child's upbringing, whether the child lives in their home or not.

In 2017, the Cook County courts also abandoned their out-dated and arguably unconstitutional practice of hearing child support cases for parents who had never been married in a completely separate court. Consolidating the divorce (domestic relations) court with the parentage (child support) courts represented several years' work and a significant shift in the character of the court—one which better reflects the modern family.

The most important of the changes in 2017, however, came with the decoupling of Cook County's Domestic Relations hearing officers from the Federal IV-D funding program. In 2017, hearing officers were also assigned to the branch courts, on a limited bases, for the first time.

Hearing officers were first assigned to the Parentage courts in Cook County's Domestic Relations Division in 1994. The program was intended to help parents—primarily mothers—who were receiving Temporary Assistance for Needy Families (TANF) establish child support orders for their children. Therefore, the hearing officers were funded through federal reimbursement under Title IV-D of the Social Security Act. Although their work was necessary and important it was limited to locating parents, establishing paternity, establishing and modifying child support orders, collecting and disbursing child support, and enforcing child support orders. All other matters facing the parents could not be resolved at a meeting with the hearing officer.

Families could not address basic questions like holiday or childcare schedules with the hearing officer. Although parents were often spending all day in court to see a hearing officer for child support orders, they had to return to see a judge for all other parenting questions. The system was not simply inefficient and burdensome for the families, but it undervalued the contributions of hearing officers and clogged judge's dockets with half-resolved cases.

Following consolidation of the Domestic Relations Division, funding for hearing officers was moved to the County budget and de-coupled from the IV-D program. Hearing officers are now able to assist Domestic Relations litigants with divorce issues, such as pension allocation, as well as parenting issues, like division of overnights in the parent's home. Hearing officers draft orders based on the litigants' testimony and documentation after listening to their concerns and explaining their rights. The orders are entered by the court the same day.

One judge has noted that return dates for cases has been cut in half because hearing officers are available to fully resolve simpler cases, clearing space in the judges' calendars for more complex or contentious cases. The same judge remarked that fewer parents are coming back for modifications or to



correct errors in initial orders with increased involvement of the hearing officers. We believe there are two primary reasons for this.

First, although a hearing officer is empowered to take testimony and make findings of fact, the officer is not a judge. Therefore, the setting is more relaxed and informal. Hearing officers can take a more conversational approach to the hearing and often elicit different information more quickly than judges do. They have more license to explain the process than a judge does. This all leads to quicker resolution of conflicts when parents or divorcing couples have simple requests or a more cordial relationship.

Second, research shows that when parents feel heard in the process, they are more likely to comply with orders and feel satisfied with the outcome, even when there is no significant difference in orders entered after an adversarial hearing with a judge or a more cooperative hearing with a nonjudicial officer. Family cases are uniquely emotional but the issues are often straightforward, legally. The hearing officer process brings flexibility to the hearings so that judges are better able to manage their complex cases and so that people without attorneys have more satisfactory resolutions with simpler matters.

Chicago Appleseed improves lives by improving the courts. Working closely with the Presiding Judge of Domestic Relations and her staff, we're shaping a family-oriented process that gives a meaningful voice to parents who don't have their own attorneys. We hope to see the hearing officer program expanded to all of Cook County soon.

