



Where Can I Pump Breastmilk at Court?



A Report Card on Lactation Accommodations in Illinois Courthouses



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INTRODUCTION

A woman who reported for jury duty in Chicago was given the choice between pumping in a men's restroom or being excused from jury duty.

A lawyer who went to the suburban McHenry County courthouse to argue a motion was told that her only option was to pump in the cafeteria while facing the wall to avoid public viewing of her exposed breasts.

An attorney was forced to rush to the parking lot to pump in her car during breaks in a jury trial at the Jackson County courthouse in downstate Illinois.

Parents should not have to choose between full civic engagement and breastfeeding their babies. Yet over and over people who need to express breast milk find that civic buildings around the

state of Illinois are not equipped to accommodate their needs. This includes the many lactating Illinoisans who must visit courthouses as litigants, witnesses, jurors, attorneys, or in support of loved ones. This sends the harmful message that parents are not welcome to participate fully in and contribute to fundamental aspects of our society like the administration of justice.

PUBLIC ACT 100-0947

In 2018, the General Assembly addressed this issue with Public Act 100-0947, which requires that a private space outside of a restroom be available for members of the public to express breast milk in all Illinois Circuit Court county courthouses. This space needs to contain a chair, a table, and an electrical outlet. Counties were given until June 1, 2019 to ensure the availability of such a lactation space in each courthouse.

PUMPING 101

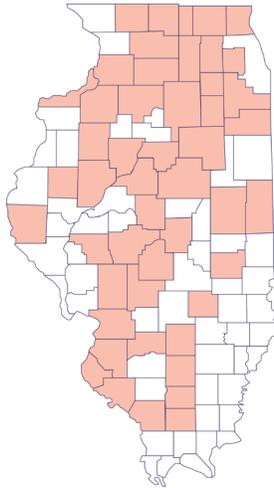
Many medical and public health organizations recommend breast milk for babies. Infants must feed every two hours or so when they are young, and about every four hours when they are 6-12 months old. Parents who are breastfeeding need a way to express breast milk on a regular schedule when they are outside the home and away from their baby. If they cannot, there are harms to both the parent and their baby such as: pain and/or leaking from overfilled milk ducts; a reduction in the supply of milk that is produced; and the risk of serious medical conditions like mastitis or cysts.

That is where pumping comes in. A breast pump (which typically requires an electrical outlet, though some run on batteries or are hand-powered) creates rhythmic suction that mimics the pace and physical effect of a breastfeeding baby. The pump pulls milk out of the breast and into bottles for storage. Most people prefer privacy because pumps require exposure of the breasts in order to position the equipment properly. A bathroom is not a sanitary location for pumping; it needs to be done in a clean environment to reduce the risk of contaminating the breast milk, which is food for a baby. The availability of a table and chair reduce the chance of spilling the pumped milk, and can make the parent more comfortable which facilitates breast milk production during pumping.

METHODOLOGY

In order to assess compliance with Public Act 100-0947, during July and August of 2019 the American Civil Liberties Union of Illinois (ACLU-IL) called select courthouses throughout the state of Illinois to inquire about the availability of lactation accommodations for members of the public.

We began by identifying the 49 largest counties in the state by population after Cook County according to the 2010 Census. We then gathered information about every Circuit Court facility within each of these counties, which amounted to a total of 77 facilities. ACLU-IL interns called each of these facilities and proceeded to ask the same series of ten questions on each call in accordance with the form in Appendix A. Each facility was scored on a scale of 1-10, with one point given for each Yes answer; for counties with multiple facilities the county also received an average score across all facilities.



We did not call any Circuit Court of Cook County facilities as part of this assessment because we are currently pursuing claims under the Illinois Human Rights Act based on the denial of access to lactation accommodations at a Circuit Court of Cook County courthouse.

Six of the ten questions asked by the ACLU-IL interns were designed to measure compliance with the specific requirements of Public Act 100-0947:

- Does the courthouse have a lactation space that the public can use?
- Is this space located outside of a bathroom?
- Is the space private?
- Does this space have an outlet?
- Does this space have a chair?
- Does this space have a table?

The other four questions asked by the ACLU-IL interns addressed additional best practices for providing lactation accommodations, including the dissemination of information about the availability of the lactation space to both courthouse staff and members of the public:

- Does this space have a sink with running water?
- Are there signs at the courthouse that tell people how to find the space?
- Is there information available online about the lactation space?
- Have you or other employees had a training about how to direct people to the lactation space?

The ACLU-IL has created a checklist of best practices that courthouses should follow to ensure that their policies and practices regarding lactation space access for members of the public are workable and effective. Find out more: aclu-il.org/CourthouseChecklist

RESULTS

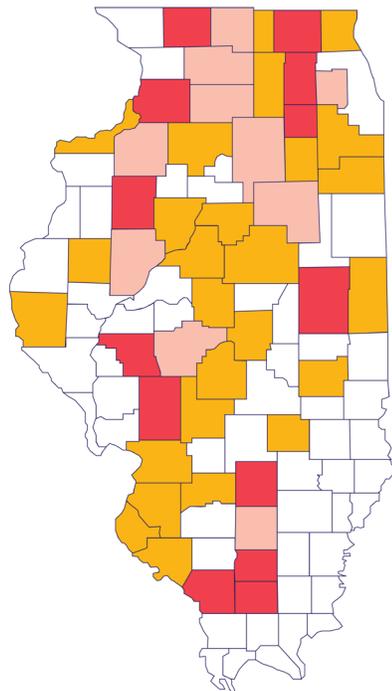
Implementation of Public Act 100-0947's requirement of private, non-bathroom lactation space available to court visitors has so far been decidedly mixed. Appendix B shows the responses recorded from each call to a county court facility.

For 19 of the 77 total court facilities called, it was reported that there is no designated lactation space available to the public. For another 14 facilities, the designated lactation space was not reported to meet all the minimum requirements of the new state law.

Disappointingly, for 11 of the facilities called, the ACLU-IL intern was either told that the designated lactation space was in a bathroom – directly contrary to the new state law – or was told that a court visitor seeking a lactation space would be directed to the bathroom in the absence of another designated space.

On the other hand, there were five counties that received a score of 9 – Will, Rock Island, Macon, Clinton and Monroe – and another 22 counties that received scores of 8 or 7. These counties typically were in

compliance with the minimum requirements of the new state law but lost points because they were not utilizing all of the best practices regarding lactation accommodations which the ACLU-IL interns asked about – there wasn't a sink within the lactation space, information about the space wasn't available through signage or online, and/or courthouse staff had not received training about the availability of the space.



COUNTY SCORES:
● 0-3 ● 4-6 ● 7-10

Even within counties, there appears to be inconsistent implementation of the law regarding lactation space in courthouse facilities. We called ten counties for which we identified more than one circuit court facility, and the majority of these had a mixture of both high-scoring and low-scoring facilities – few were consistently high or low scoring.

CONCLUSIONS

Undoubtedly our society has moved past a time when breastfeeding parents were not expected to go beyond the narrow confines of the home. And yet, even though we now recognize that parents of young children should and do participate in public life, in many instances our civic buildings are still not accessible to those who are breastfeeding and as a result need to express breast milk outside the home. The General Assembly's 2018 passage of Public Act 100-0947 was meant to rectify this in the county courthouses where crucial activities related to the administration of justice take places around the state. However, calls by ACLU-IL during the summer of 2019 – after the law was supposed to be fully implemented – uncovered inconsistent compliance with the law.

No one should ever be told that their only option for pumping while at their local courthouse is an unsanitary restroom, a public cafeteria, or their car. Parents who are visiting a courthouse for any reason should have prompt access to private, non-bathroom space for lactation – and accurate information about where and how to access to this space should be readily available through signage, information on the internet, and well-trained courthouse staff. Unfortunately, our analysis has shown that too many courthouses in Illinois are still far from this standard. Every county in the state must ensure that it is in full compliance with Public Act 100-0947 and that its courthouse(s) are welcoming and accessible places for all new parents.

APPENDIX A – FORM FOR ACLU-IL INTERN CALLS TO COURTHOUSES

Courthouse:
Rating:

Phone Number:

Say that you want to speak with someone about access to a lactation space at the courthouse. (A lactation space is a room or other area for someone to pump breast milk). Let them know that you want to ask some questions about the space.

For each question, check Y or N and follow up as directed. Please also write down any other details you learn on the call.

	Y	N
1. Does the courthouse have a lactation space that the public can use? (If asked: "public" means someone who's not a courthouse employee, like a		
If NO, ask: What would you do if someone (like a juror, witness, or attorney) asks about somewhere to pump breast milk?		
If YES, ask the following questions:		
2. Is this space located outside of a bathroom?		
3. Is the space private? If Yes, ask: How can someone using the space ensure privacy (a lock, an "in use" sign, etc.)?		
4. Does this space have an outlet?		
5. Does this space have a chair?		
6. Does this space have a table?		
7. Does this space have a sink with running water? If No, ask: Where could someone using the space wash pump pieces?		
8. Are there signs at the courthouse that tell people how to find the space?		
9. Is there information available online about the lactation space? If Yes, ask: Where can I find it?		
10. Have you or other employees had a training about how to direct people to the lactation space?		
Total Points (1 for each "Y")		

Other Notes:

 Yes
  No
  Not Sure

		Designated space	Outside bathroom	Private	Outlet	Chair	Table	Sink	Courthouse signage	Information online	Training given	Total:	Other Notes:
LIVINGSTON COUNTY	Livingston County Courthouse Law and Justice Center											5	
LOGAN COUNTY	Logan County Courthouse											8	
MACON COUNTY	Macon County Courthouse											9	
MACOUPIN COUNTY	Macoupin County Courthouse											0	Have a "large women's restroom."
MADISON COUNTY	Madison County Courthouse											7	
MARION COUNTY	Marion County Courthouse											0	Not sure if there is a space besides the bathroom.
MCDONOUGH COUNTY	McDonough County Courthouse											7	
MCHENRY COUNTY	McHenry County Government Center											2	
MCLEAN COUNTY	McLean County Law and Justice Center											8	
MONROE COUNTY	Monroe County Courthouse											9	
MONTGOMERY COUNTY	Montgomery County Courthouse											7	
MORGAN COUNTY	Morgan County Courthouse											0	Space is going to be built in the Treasury Office.
OGLE COUNTY	Ogle County Courthouse											0	
	Ogle County Judicial Center											8	
AVERAGE:												4	
PEORIA COUNTY	Peoria County Courthouse											8	
RANDOLPH COUNTY	Randolph County Courthouse											8	
ROCK ISLAND COUNTY	Rock Island County Courthouse											9	
SANGAMON COUNTY	Sangamon County Complex											6	
ST. CLAIR COUNTY	St. Clair County Building											8	
STEPHENSON COUNTY	Stephenson County Courthouse											1	
TAZEWELL COUNTY	Tazewell County Courthouse											8	

 Yes
  No
  Not Sure

		Designated space	Outside bathroom	Private	Outlet	Chair	Table	Sink	Courtthouse signage	Information online	Training given	Total:	Other Notes:
VERMILION COUNTY	Vermilion County Courthouse											7	
WHITESIDE COUNTY	Whiteside County Courthouse											0	There are private rooms but no specific designated lactation space.
	Whiteside County Sterling Court Building											0	
AVERAGE:												0	
WILL COUNTY	Will County Courthouse											9	
	Will County Court Annex											9	
	River Valley Justice Center											8	
	Bolingbrook Branch Court											9	
	Braidwood Branch Court											9	
	Lockport Branch Court											9	
	Peotone Branch Court											9	
	Plainfield Branch Court											9	
	Frankfort Branch Court											9	
	Wilmington Branch Court											9	
AVERAGE:												9	
WILLIAMSON COUNTY	Williamson County Courthouse											0	Could arrange a different room if someone needed it.
WINNEBAGO COUNTY	Winnebago County Courthouse											9	
	Winnebago County Criminal Justice Center											0	There is a room that could "probably" be use, but no door on space.
AVERAGE:												5	
WOODFORD COUNTY	Woodford County Courthouse											7	



ACLU Illinois