



For economic and racial justice

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Marc Smith, Acting Director
Illinois Department of Children and Family Services
100 W. Randolph St.
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Via electronic mail

Re: The Need For Immediate Action By the Department of Children and Family Services To Protect Parental Rights While Ensuring Public Safety During the COVID-19 Pandemic

Dear Director Smith,

The COVID-19 pandemic represents an unprecedented threat to families involved with the Department of Children and Family Services (DCFS). DCFS has the critical responsibility and authority to protect these families in the face of this crisis.

Conditions are changing daily with ever-increasing restrictions on social interaction and movement and continued calls for social distancing to prevent the spread of the virus. DCFS has the extraordinarily difficult responsibility of adhering to federal and local guidelines to prevent the spread of COVID-19 while also protecting the constitutional and statutory rights of the families it serves.

The Department's response must be aimed at achieving this two-pronged goal and not leave families at risk of contracting COVID-19 or stymie progress towards family reunification in a time when connection with and to loved ones is as important as ever.

We urge you to work with the various stakeholders, including the courts, to stem the flow of new investigations and new instances of separating children from their parents only to enter a system in which they almost certainly will not be able to adhere to the Centers for Disease Control and Prevention guidelines for slowing the spread of the virus. This includes completely avoiding and immediately ending the use of safety plans that remove children from their homes in the absence of an immediate and imminent threat of severe harm to the children. Furthermore, we urge you to keep at the fore statutory timelines for reunification, especially in light of the courts' closure and the statewide "stay at home" order just announced by Governor Pritzker.

We implore you to create and publicize a comprehensive emergency plan in response to the COVID-19 pandemic that at the very least includes taking the following actions:

Investigations/System Entry

1. For all investigations and cases related to allegations of non-immediate or non-serious threats to a child's safety, suspend further investigation activities and move towards recommending that the child be returned home as soon as possible.
2. For all investigations in which Department or contracted staff have reason to believe ill will and/or any such inappropriate motive is the cause for the hotline call, suspend all investigation activities.

Services/Service Plans

3. Eliminate all non-essential service requirements, notify parents of the eliminated requirements, and ensure that caseworkers amend Service Plans accordingly.
4. For all services deemed essential, transition to remote service provision wherever possible and provide all participants with the requisite technology. Ensure that parents are notified of these changes and that such changes are reflected in Service Plans.
5. For services that must continue in person, ensure that all federal and local public health guidelines are followed (e.g., maintaining social distancing, frequent cleaning of all surfaces and equipment used, the provision and use of protective gear like gloves and masks for staff and participants, etc.).
6. Vigilantly ensure that Norman services continue to be provided, especially now when populations impacted by poverty are increasingly vulnerable. Parents experiencing homelessness and housing instability, economic and food insecurity, and other symptoms of poverty must be provided housing and other resources to prevent family separation and facilitate reunification. To this end, the Norman Coordinator should expand available shelter for parents with reunification goals or whose children have been removed during an investigation for reasons connected to poverty or intimate partner violence. The Norman Coordinator should also expand available cash assistance to be distributed to families who have recently been reunified, as these families will likely be struggling with basic needs as a result of the COVID-19 pandemic.
7. Ensure that caseworkers are not marking parents' progress as "Unsatisfactory" due to pandemic-related changes to the Service Plans and requirements.
8. Ensure that caseworkers are not marking parents' progress as "Unsatisfactory" due to pandemic-related consequences experienced by parents (e.g., loss of income, loss of housing, lack of access to childcare, having to care for at-risk or infected loved ones, experiencing symptoms themselves, service closures, quarantine, etc.). Ensure that parents who are incarcerated are not having goals marked "Unsatisfactory" for services that are unavailable due to programs being suspended inside facilities.
9. Secure sanitary and safe modes of transportation for DCFS and its contractors to transport parents and children to and from required services that allow for social

distancing (i.e., not public transportation). Ensure that caseworkers and staff not assess parents as failing to make progress if timely, safe transportation prevents their participation.

Visitation

10. Maintain in-person parent/child visitation to the absolute maximum extent possible so as to minimize the ongoing trauma of family separation and protect and preserve parent-child bonds.
11. In all cases but particularly for young children and infants, maintain in-person parent/child visitation to the maximum extent possible. Research like [this report from the Sentencing Project](#) shows that virtual visitation is not a suitable substitute for young children and infants.
12. Where in-person visitation remains possible, have DCFS and its contractors transport parents and children to and from visits via sanitary and safe modes of transportation that allow for social distancing (i.e., not public transportation).
13. Where in-person visitation remains possible, ensure that DCFS and its contractors adhere to all federal and local public health guidelines to prevent and slow the spread of COVID-19.
14. Review all cases in which visits are supervised to determine whether a recommendation for unsupervised visits can be made. Removing the need for supervision would decrease risk of COVID-19 transmission and spread.
15. In cases for which supervised visits are the current recommendation and the agency has been moving towards recommending unsupervised visits, expedite those decisions and processes to allow for the unsupervised visits to proceed.
16. For cases in which visits must continue to be supervised, authorize individuals to supervise in such a way as to minimize the spread of COVID-19. That is, if individuals residing with a parent or residing in the foster placement can supervise visits instead of agency staff, authorize those individuals to supervise.
17. For cases in which agency staff must continue to supervise, consider arrangements in which agency staff can supervise virtually while the visits occur in-person. If supervision must occur in person, ensure that appropriate social distancing and other health precautions are observed.
18. Where in-person visitation is not possible, transition to virtual visitation through programs like Skype and FaceTime. For such virtual visitation, provide parents with the requisite technology. If parents already have the requisite technology, provide those parents with a reimbursement for having to use personal devices and Internet.

19. Ensure that children whose parent(s) is/are incarcerated have virtual visits and phone calls with their parent(s) regularly until visits resume at the facility.
20. Ensure that visitation is not stopped without an extremely compelling reason and if stopped, that DCFS and its contractors work continuously to allow for visits to resume as quickly as possible.
21. In all cases in which visits must be cancelled or missed, provide parents and children with make-up visits as soon as visits resume.
22. Ensure that DCFS caseworkers and third-party agencies notify parents if their children in foster placements experience symptoms of COVID-19 and/or are diagnosed with COVID-19. Provide regular updates to these parents on their children's health condition.
23. Ensure that all amendments and/or disruptions to visitation be recorded and updated by caseworkers in Service Plans and other appropriate places. If visits are disrupted, ensure that the child knows that the disruption is due to the pandemic and is beyond the parent's control.
24. Ensure that caseworkers not mark parents as "Unsatisfactory" regarding visits for cases in which a parent's inability to attend visits was due to agency (in)action or due to a COVID-19 consequence the parent faces (e.g., loss of income, loss of housing, lack of access to childcare, having to care for at-risk or infected loved ones, experiencing symptoms themselves, service closures, quarantine, etc.).

Reunification

25. For cases in which a child has been ordered returned home, ensure that all parties needed to return the child home adhere to federal and local COVID-19 guidelines and precautions while returning the child as quickly as possible.
26. For cases in which the slated Return Home is within five months or less and there is no immediate risk of significant harm to the child, return the child home immediately. Have all parties taking part in the return adhere to federal and local COVID-19 guidelines and precautions.
27. Ensure that parents seeking reunification with their children are not penalized in child protection proceedings for suffering consequences of the current pandemic like loss of income, loss of housing, lack of access to childcare, having to care for at-risk or infected loved ones, experiencing symptoms themselves, service closures, quarantine, or others.
28. Ensure that the Department take special precautions when returning a child home from a group foster setting. To the greatest extent possible, reunification of children to parents should not be delayed.

29. De-populate group foster settings to the extent possible given the extraordinarily high risk of infection in such settings both of youth in care and staff. In this effort, return as many children home to their parents as possible.

Foster Placements

30. Ensure that conditions are humane for youth that remain in DCFS care, especially those in group settings who are powerless to engage in social distancing and other precautions urged by federal and local health professionals. For those children who cannot be removed from foster placements and returned home, it is imperative that isolation not be used as a means of social distancing and that COVID-19 precautions be taken while following best practices in childhood development and other pertinent fields. Children in foster placements should be given increased access to phones and other means of communication to contact family and loved ones, free of charge or time limits.
31. Require that non-group foster placements allow increased access to phones and other modes of communication for children in their care to be able to contact family members and loved ones during this time of crisis.
32. Expound on the [Letter to Foster Parents](#) found on the [COVID-19 page of DCFS' website](#) to cover topics like parent/child visitation and steps to take to increase and ensure children have means of communicating with their families and loved ones.

General

33. Publicize and maintain proper documentation of all program closures and changes. Update this information as quickly as practicable.
34. Issue a message to parents seeking reunification with their children, a message currently absent on the [COVID-19 page of DCFS' website](#), to advise them on changes and updates to what steps they must take to be reunified with their children.
35. Publicize how the Department intends to communicate to youth in care and children in foster placements guidance and information surrounding COVID-19 and how their access to their parents may be impacted.
36. Create, maintain, and publicize the existence of a separate hotline for parents seeking reunification with their children to call with pandemic-related questions as it relates to their cases.

For all of these recommendations, ensure that all information is provided in multiple formats, venues, and languages in a way that is responsive to the needs of the most vulnerable families in our state. Affirmative outreach should be conducted to particularly vulnerable parent populations like those who may be experiencing homelessness; those who are involved with the criminal legal, immigration, and other state systems; and others.

The undersigned stand at the ready to support parents and their families through this crisis. Please let us know if you have any questions.

Sincerely,

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