



For economic and racial justice

67 E. Madison St., Suite 2000, Chicago, IL 60603
312.263.3830 | povertylaw.org

June 19, 2020

Derek Hobson, Acting Deputy Director
Amanda Wolfman, General Counsel
Jassen Strokosch, Chief of Communications
Illinois Department of Children and Family
Services
100 W. Randolph St.
Chicago, IL 60601
Derek.Hobson@illinois.gov
Amanda.Wolfman@illinois.gov
Jassen.Strokosch@illinois.gov

Sol Flores, Deputy Governor
Ramon Gardenhire, Deputy Chief of Staff for
Policy
Office of the Governor
JRTC, 100 West Randolph
Suite 16-100
Chicago, IL 60601
Sol.Flores@illinois.gov
Ramon.Gardenhire@illinois.gov

Via electronic mail

Re: Feedback on the Department's Updated Visitation Policy

Dear Deputy Governor Flores, Deputy Chief of Staff for Policy Gardenhire, Deputy Director Hobson, General Counsel Wolfman, and Chief of Communications Strokosch,

Thank you for meeting with us last week to discuss the Department's work to update the visitation policy. We appreciate that the Department took seriously the concerns of the 100+ community members and advocates who wrote letters and developed a plan, as evidenced by the June 15 [Action Transmittal](#) modifying the visitation ban. Thank you. We would like to continue that dialogue by providing feedback on the updated policy and revisit additional concerns we raised in our [March 20 letter](#).

Visitation Policy

We remain concerned about the continued delay of in-person parent-child visits. Regular, weekly parent-child visits are not slated to resume until July 15, another month from now. We would like to understand better the need for this continued delay.

As the Department knows, even [minimal amounts](#) of family separation can have devastating and long-lasting consequences on children and parents. Every day that children and parents continue to be separated only [exacerbates the harms](#) already experienced by many of the families impacted by the Department's policies. [Children's advocates](#) and the [Children's Bureau](#) have interpreted this analysis to counsel against blanket bans on family time. We agree with that analysis but recognize the Department's goal of acting in the best interest of impacted children. We appreciate the Department's willingness to reconsider its stance and update the policy in light of resources and guidance that have become available in recent months. We remain hopeful that the Department will continuously evaluate its policies and interrogate their impact.

The portion of the Department's mission that is to "provid[e] for the well-being of children in [its] care" includes preserving relationships among children and their parents, siblings, and family members. The ongoing delay of in-person, supervised visits is harmful, and the disproportionate impact on Black

families is undeniable. The foster system is rife with [racial disparities](#) that [penalize and separate](#) Black and marginalized families at alarming rates. Many of those families enter the system due to [neglect](#) allegations, which are too often the system's racialized interpretation of parenting and poverty. For example, according to DCFS' own data received under the Freedom of Information Act, of the allegations of abuse and neglect made to the Department's Child Abuse hotline in 2018, 63% included allegations of neglect. Of the neglect allegations, 36% involved allegations of environmental neglect or of inadequate food, shelter, clothing, or supervision. We understand that not all allegations lead to indicated findings or court cases but just note that from the very initial stages of families' interactions with the Department, many such interactions begin with symptoms of poverty. Black families are then [overrepresented](#) at every critical decision point in the system. In Cook County, Black people make up 22.8% of the population but 70.8% of families involved with DCFS, and statewide, Black people make up only 13.8% of the population but 43.8% of families involved with DCFS.

This is why we maintain that for [Black Lives to matter, Black families must matter](#). Accordingly, we call on the Department to take the following actions:

1. Immediately restore all in-person parent-child visitation and sibling visitation;
2. Develop and share a policy that details how the Department will ensure that parents are provided with visiting time, in addition to regularly-scheduled visits, to make up for the missed visits due to the Department's ban (i.e., scheduling make-up visits);
3. In instances of health risks or other documented serious concerns in which a virtual visit must occur, provide all parties, including parents, with the requisite technology and access to participate in the visit;
4. For instances referenced in #3 above in which parents already have the requisite technology, provide those parents with monetary reimbursement for use of personal devices and Internet;
5. Clarify that all critical decisions must be documented for agency and contracted staff regarding decisions made for children without complex medical conditions; and
6. File drafted and updated visitation plans with the court.

Other Concerns

While we continue to raise and prioritize visitation due to its urgent and unique nature, we want to take this opportunity to revisit additional questions and concerns that we continue to have. We do not take lightly the number of urgent matters the Department must constantly consider and address, and we see the concerns highlighted below as a necessary part of that analysis.

1. What stakeholders are consulted when the Department creates policies and/or guidelines? When and how are parents and parent advocates consulted and represented when policies and/or guidelines are being created?
2. What guidance has DCFS provided to agency and contracted staff on how pandemic-related changes to Service Plans and visitation should be communicated to parents and documented in case files?
3. What actions have been taken by DCFS and the [Norman](#) Services coordinator to ensure that families continue to receive the support they need amid the economic and housing instability caused by the pandemic?
4. What services, if any, remain accessible remotely, and how is DCFS facilitating parents' access to these services?
5. What is DCFS' policy for addressing and documenting parents' reasonable progress in light of interrupted visitation and their inability to access services and programs due to the pandemic? Is this policy written, and if so, where can it be found?

6. What and how much protective gear has DCFS requested, how much has it received, and how much does it have remaining? What, if any, are DCFS' outstanding needs for protective gear for its staff?
7. How have agency and contracted staff been communicating with children about disrupted visitation (prior to the guidance regarding resuming visits)?
8. How has the Department been communicating with parents about their children's health, especially in instances in which the children have symptoms or a diagnosis of COVID-19?
9. How has the Department handled, including notification of parents, instances in which members of the foster placement or household have had symptoms or diagnoses of COVID-19?
10. How many youth in the Illinois foster system have been reunited with their parents while pandemic restrictions have been in place?
11. Have any cases been expedited for reunification during the pandemic? If yes, how many, and how was the reunification facilitated?
12. What technology and guidance has DCFS provided to youth in foster placements (including group settings) so that they can contact family members and loved ones?
13. How has social distancing been adhered to in group foster settings? How has DCFS handled the high risk of exposure and contraction in these settings and cases of known exposure or contraction of COVID-19?
14. In light of the limitation in the Child Protection Division of hearing only Temporary Custody hearings and Emergency Motions, has the Department sought to file any Emergency Motions? If so, with what result? What types of matters has the Department considered emergencies during this pandemic?
15. How is the Department handling its requirement to provide reasonable efforts in light of pandemic-related limitations?
16. Has the Department issued any guidance around compliance with federal guidelines, and if so, where can it be found?

Again, we appreciate this opportunity for continued dialogue and remain open to further meetings and discussions as we all work to support Illinois families. We understand that these myriad issues cannot all be addressed in the same way or on the same timeline, but given the time sensitivity of many of them, particularly visitation, we hope to hear from you by the end of the month. Thank you for your partnership.

Sincerely,

Shriver Center on Poverty Law

Aaron Goldstein, Chief,
Civil Division of the Law Office of the
Cook County Public Defender

Movement for Family Power

Diane Redleaf
Family Defense Consulting

Chicago Alliance Against Sexual Exploitation

Women's Justice Institute

Family Justice Resource Center

Community Renewal Society

Colette Safford

Gail T. Smith

Tony Lawlor

CC:

Marc Smith, Acting Director
Illinois Department of Children and
Family Services
100 W. Randolph St.
Chicago, IL 60601
Marc.Smith@illinois.gov

Lester Bovia, Inspector General
Illinois Department of Children and
Family Services
2240 W. Ogden Avenue
Chicago, IL 60612
Lester.Bovia@illinois.gov

Juliet Berger-White, Deputy General
Counsel
Office of the Governor
JRTC, 100 West Randolph
Suite 16-100
Chicago, IL 60601

Mercedes Mondragon, Policy Associate
Office of the Governor
JRTC, 100 West Randolph
Suite 16-100
Chicago, IL 60601
Mercedes.Mondragon@Illinois.gov