

**CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

**IF YOU WERE INVESTIGATED OR INDICATED IN ILLINOIS FOR CHILD
NEGLECT UNDER ALLEGATION 74 (“INADEQUATE SUPERVISION”) FROM
FEBRUARY 24, 2012 THROUGH MAY 9, 2017, THIS NOTICE AFFECTS YOUR
RIGHTS**

A State Court authorized this Notice. This is not a solicitation from a lawyer.

NOTICE OF AVAILABLE RELIEF

- A proposed statewide settlement has been reached in a class action lawsuit involving investigations and indicated findings for child neglect under DCFS Allegation 74 “Inadequate Supervision.” You may be a class member and may be entitled to participate in the proposed settlement.
- The Circuit Court of Cook County has ordered issuance of this notice in the lawsuit entitled *Nicole P., et al. v. Ill. Dep’t of Children & Family Servs., et al.*, 2016 CH 12809 (P. Meyerson, J.). Both sides have agreed to settle this dispute to avoid burdensome and costly litigation.
- You are included in the settlement if you were investigated or indicated for neglect under Allegation 74 “Inadequate Supervision” between February 24, 2012 and May 9, 2017. If you are a member of the Class, you must take action described under Settlement below in order to benefit from the settlement.

Background. This case was filed by Nicole P., Brittaney S. and Deona W. (together, the “Named Plaintiffs”), who were appointed by the Court to act as representatives of the Plaintiff Class. The Plaintiff Class alleges that the Illinois Department of Children and Family Services (“DCFS”) violated the Illinois Administrative Procedure Act by investigating and indicating persons under a rule known as Allegation 74 (Inadequate Supervision) that was legally void. DCFS has contested the allegations set forth in plaintiffs’ Complaint. DCFS contends that Allegation 74 was not void but lawful, as reflected in the decisions of certain Illinois courts. DCFS has amended Allegation 74 to more accurately reflect the agency’s policy of allowing parents to make prudent and reasonable parenting decisions for their children. The revised Allegation 74, which was promulgated in accordance with Illinois law, was effective May 5, 2017, and DCFS staff were notified of this change on May 9, 2017. DCFS has also drafted revised Procedures for Allegation 74, which will be adopted by March 14, 2018.

Settlement. The parties have reached a settlement of this matter. Under the settlement, class members may elect to have their finding of inadequate supervision reviewed under the amended Allegation 74 administrative rule that was adopted in accordance with Illinois law on or about May 9, 2017:

- Class members are entitled to have their indicated finding for Allegation 74 Inadequate Supervision reviewed (“Special Review”) by a neutral reviewer (“Special Reviewer”). The Special Review will be conducted under the revised Allegation 74 rule that was effective on May 9, 2017, even if the investigation occurred and the indicated finding was entered under the old Allegation 74 rule.
- **Class members must submit a written request for a Special Review of the finding of inadequate supervision against them in order to receive such review. The written request may be submitted through completion of the attached questionnaire.**
- The time period by which you **must** submit a request for Special Review depends on your specific case. These time periods are set forth below:
 - if you received an Individualized Notice in the mail, 120 days from the date on which the Individualized Notice was postmarked as sent to you; or
 - if you did not receive an Individualized Notice, the latest of the following dates is the deadline by which you **must** submit a request for Special Review:
 - by October 23, 2018;
 - within 60 days of notification by the background check unit of an indicated finding for Allegation 74 that was entered between February 24, 2012 to May 9, 2017; or
 - by June 4, 2019, if raised to the attention of the Department by Plaintiffs’ counsel in writing and if you have not already received a Special Review under this Agreement.

If you are a member of the Class and submit a timely request in writing for a Special Review, your indicated finding for Allegation 74 will be reviewed by the Special Reviewer. You may also submit any documentation related to the investigation and indicated finding with your completed questionnaire. Upon review, your Allegation 74 finding will either be expunged or upheld.

If the indicated finding for Allegation 74 is upheld after the Special Review, it will remain on the DCFS State Central Register for the time period set forth in the final finding letter notifying you of the indicated finding. You will have no further right to appeal the Special Reviewer’s decision. If the indicated finding for Allegation 74 is unfounded after the Special Review, it will be removed from the State Central Register and you will receive notice that the indicated finding has been removed from the State Central Register. The removal of your name as a perpetrator of child neglect for Allegation 74 will not impact any proceedings or findings in juvenile or criminal court.