

Calendar of Settlement Provisions and Deliverables

From August 2016 through September 2017, DCFS must implement a series of reforms to its removal policies, safety plan policies, and domestic violence and mental health policies as a result of the settlements in the *L.W.*, *W.M.* and *A.B.* suits. Here are the commitments that were made.

<u>Deadline</u>	<i>A.B. v. Holliman</i>	<i>L.W. v. DCFS</i>	<i>W.M. v. Giscombe</i>
Aug. 1, 2016	<p>-DCFS will revise its “Safety Plan Rights and Responsibilities” forms [CFS 1441-D (Safety Plan Rights and Responsibilities for Parents & Guardians), CFS 1441-E (Safety Plan Rights and Responsibilities for Responsible Adult Caregivers and Safety Plan Participants), and CFS 1441-F (Safety Plan Responsibilities for Investigators and Caseworkers)] in accordance with the agreements reached in this matter.</p> <p>-DCFS will notify its staff upon issuance of the above revised policies</p> <p>Status: Completed. DCFS is issuing these revised forms now and they will be posted on the Family Defense Center website.</p>		
Oct. 1, 2016			DCFS will notify all hospitals in the State of Illinois via a letter (Exhibit A to settlement agreement) sent to the hospital’s administration that DCFS has clarified its policies and procedure

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			and that child protection staff shall not request that a child remain in a hospital at the request of DCFS when the child has been medically cleared for discharge. DCFS will provide training to any hospital that requests such training regarding reporting child abuse and/or neglect and the DCFS investigative process.
Nov. 1, 2016		<p>-CERAP factor 14 shall be amended to provide as follows: A caregiver, paramour, or member of the household whose observed or professionally diagnosed or documented mental/physical illness or developmental disability seriously impairs his or her ability to meet the immediate needs of the children.</p> <p>-DCFS will notify its staff upon issuance of the above revised policies</p>	
Dec. 31, 2016	<p>-DCFS will amend its policies and procedures as follows:</p> <ul style="list-style-type: none"> • DCFS will amend Procedure 300 Appendix G (its safety and risk assessment protocol) to incorporate the principles and conflicts reflected in the 	<p>-DCFS will effectuate the changes in the following procedures and policies:</p> <ul style="list-style-type: none"> • DCFS shall add to Procedure 300 Appendix G the following: No condition of a safety plan should include a requirement of individual therapy, family 	<p>-DCFS will clarify the following policies and procedures in accordance with the following:</p> <ul style="list-style-type: none"> • DCFS will clarify its policies and procedures for all child protection staff to clearly provide that child protection

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	<p>revisions made by August 1, 2016 to the “Safety Plan Rights and Responsibilities” forms (CFS 1441-D, CFS 1441-E, and CFS 1441-F).</p> <ul style="list-style-type: none"> • DCFS will amend Appendix G to clarify that generalized “risk” alone, without specific information/evidence of a risk of immediate moderate to severe harm to a child, does not support an “Unsafe” determination. • DCFS will amend Appendix G to further clarify that safety plans should not be developed unless and until a child protection investigator has determined, based on all reasonably available information/evidence, that DCFS possesses information/evidence of an immediate, unmitigated safety threat to a child that would cause moderate to severe harm to a child unless protective custody is taken. DCFS will amend Appendix G to further clarify that the above determination is necessary for a 	<p>therapy, or outpatient or inpatient mental health treatment. Investigators and caseworkers shall not direct any specific course of treatment nor tell any client of the Department not to follow or to modify a clinically/medically recommended course of treatment.</p> <ul style="list-style-type: none"> • DCFS shall add to Procedure 300 Appendix G and to its “Safety Plan Responsibilities for Investigators and Caseworkers (CFS 1441-F) the following: The parents or guardian shall identify a safety plan monitor or supervisor. The child protection investigator should not object to the person identified by the parent or guardian if the selected individual completes and passes a background check. The child protection investigator should not require a parent or guardian to accept an individual as a safety plan monitor or supervisor that is objectionable the parent or guardian. The 	<p>staff shall not request that a child remain in a hospital at the request of DCFS when the child has been medically cleared for discharge.</p> <ul style="list-style-type: none"> • DCFS will clarify its procedures and promulgate revised Procedures 300.70(f), 300.90 and 300.120. The clarifications relate to the removal of language that requires child protection investigation staff to take protective custody or implement a safety plan unless abusive causation has been ruled out. (A copy of revised Procedures 300.70(f), 300.90 and 300.120 are attached as Exhibits B, C and D to settlement agreement.) • DCFS will amend Appendix G to Procedure 300 to remove language that requires that children ages 0 to 6 must be taken into protective custody or a safety plan implemented unless abusive causation has been ruled out.

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	<p>child protection investigator to develop a safety plan with the child's parent(s) or guardian(s).</p> <ul style="list-style-type: none"> • DCFS will clarify its policies and procedures to provide that parent(s) and/or guardian(s) shall be given notice of the basis for taking protective custody of their child or children and that such notice shall be provided to the parent(s) or guardian(s) by the child protection investigator when developing a safety plan. DCFS will review its safety plan forms currently in use to ensure consistency with this Agreement and to determine whether this written notice can be incorporated as part of the forms DCFS investigators already use. • DCFS will clarify its policies and procedures to require that Child Protection Supervisors shall review every five days each case in which there is an out of home safety plan to determine whether there remains an immediate, unmitigated safety threat to a child such that DCFS 	<p>investigator should approve the safety plan supervisors and/or temporary caregivers that are preferred by the parents if cleared through a background check, and no parent shall be required to accept supervision of their contact with their child by a specific person whose involvement as a safety plan supervisor is objectionable to the parent.</p> <ul style="list-style-type: none"> • For Allegation 60 cases or other allegations where a mental health or developmental disability of a parent, caregiver, or household member is a factor in the investigation, DCFS agrees to ensure that the procedures for conducting a child abuse and neglect investigation require that the child protection investigator first request consent from the parent or caregiver or household member for DCFS to contact their medical or mental health provider to obtain verification of a mental health diagnosis or developmental 	<p>-DCFS will issue a memo to child protection staff together with the issuance of the above amended procedures, explaining the change in practices and procedures that has been adopted.</p>

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	<p>possesses a basis to take protective custody. If the Child Protection Supervisor’s review determines that there is no longer an immediate, unmitigated safety threat to a child, the Child Protection Investigator should terminate the out of home safety plan.</p> <ul style="list-style-type: none"> • DCFS will clarify its policies and procedures to reinforce that in investigations where an individual (who is a parent or guardian) has left a home due to domestic violence and moved to a new home environment, the child protection investigator will consider and make a reasonable effort to assist the individual to access the possible options of domestic violence shelter services or the use of Norman Funds prior to the consideration of a safety plan that would separate the parent from his or her child or children, if there are any safety concerns regarding the individual’s current living situation for the individual and his or her children. 	<p>disability, and current prescription information and/or information regarding compliance with treatment where any claim of non-compliance with medication or treatment has been alleged during the investigation. Procedures 300 shall also provide that the child protection investigator should ask the treatment provider for information about the impact of the parent’s or caregiver’s mental health condition or developmental disability on the ability to care for their children.</p> <p>-DCFS will notify its staff upon issuance of the above revised policies</p>	

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Mar. 31, 2017		<p>-DCFS will promulgate a Mental Health Appendix to DCFS Procedure 300. This Appendix will include the following: the manner in which parents, caregivers, and household members with mental health conditions are assessed; conclusions that are made as to the impact of such conditions; documentation by DCFS investigators and of mental health conditions, including access to records by DCFS with and without parental consent; and processes for clinical consultation in cases in which a mental health condition is a factor in the outcome of the investigation.</p> <p>--DCFS will notify its staff upon issuance of the Mental Health Appendix</p>	
June 1, 2017	-DCFS will complete the training of DCFS investigative staff as to the following revised policies and procedures:	<p>-DCFS will complete the training of DCFS investigative staff as to the following revised policies and procedures:</p> <ul style="list-style-type: none"> • Amended CERAP factor 14 	-DCFS will provide training to child protection staff (including investigators and supervisors), regarding the following clarifications to DCFS policies and procedures:

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	<ul style="list-style-type: none"> • Revised “Safety Plan Rights and Responsibilities” forms (CFS 1441-D, CFS 1441-E, and CFS 1441-F) • Revised Procedure 300 Appendix G • Revised policies and procedures (and the safety plan form or other forms, if revised) providing that parent(s)/guardian(s) shall be given notice of the basis for taking protective custody of their child or children and that such notice shall be provided to the parent(s)/guardian(s) by the child protection investigator when developing a safety plan. • Revised policies and procedures requiring that (1) Child Protection Supervisors shall review every five days each case in which there is an out of home safety plan to determine whether there remains an immediate, unmitigated safety threat to a child such that DCFS possesses a basis to take protective custody; and (2) If the Child 	<ul style="list-style-type: none"> • Revised Procedure 300 Appendix G • Revised Safety Plan Responsibilities for Investigators and Caseworkers (CFS 1441-F) • Revised Procedures 300 generally (and any other policies/procedures that were amended w/r/t requesting mental health records) 	<ul style="list-style-type: none"> • Policies and procedures that were revised to clearly provide that child protection staff shall not request that a child remain in a hospital at the request of DCFS when the child has been medically cleared for discharge. • Revised Procedures 300.70(f), 300.90 and 300.120. • Revised Appendix G to Procedure 300

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	<p>Protection Supervisor’s review determines that there is no longer an immediate, unmitigated safety threat to a child, the Child Protection Investigator should terminate the out of home safety plan.</p> <ul style="list-style-type: none"> Revised policies and procedures reinforcing that in investigations where an individual (who is a parent or guardian) has left a home due to domestic violence and moved to a new home environment, the child protection investigator will consider and make a reasonable effort to assist the individual to access the possible options of domestic violence shelter services or the use of Norman Funds prior to the consideration of a safety plan that would separate the parent from his or her child or children, if there are any safety concerns regarding the individual’s current living situation for the individual and his or her children. 		

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	-DCFS will make the above training available to private agency staff		
Sept. 30, 2017		Training will be provided to DCFS investigative staff on the Mental Health Appendix.	
No Deadline	-DCFS will continue to review safety threats listed on the CERAP and to the extent a Departmental internal work group is developed to review the CERAP and safety threats, Plaintiffs' proposals will be provided to that group for consideration.		