

DCFS Adopts New and Improved Rule and Procedures for Inadequate Supervision Investigations

The class action lawsuit *Nicole P. v. DCFS* (filed in September 2016), challenged DCFS's rule governing investigations into alleged Inadequate Supervision (Allegation #74) as unlawful and overbroad. Under that rule, a parent or caretaker could be indicated as a child neglecter any time "a child is placed in a situation or circumstances that are likely to require judgment or actions greater than the child's level of maturity..."

On May 9, 2017, DCFS issued a new, lawful rule on Inadequate Supervision. The new rule rejects the previous overbroad standard and instead requires a showing that "a child is placed at a real, significant and imminent risk of likely harm" as a result of "blatant disregard" on the part of the parent or caretaker.

On March 14, 2018, DCFS issued new investigative Procedures on Inadequate Supervision that conform with the new Rule. The new Procedures contain helpful guidance to aid DCFS in its investigations, including specific examples of situations that are not blatant disregard. The Procedures also expressly state that "Parents are able to make reasonable parenting decisions and judgments that their child is safe."

The new Rule and Procedures were developed with extensive input from the Family Defense Center and a team of pro bono attorneys from Jones Day, as Class Counsel in *Nicole P. v. DCFS*'s Rules and Procedures can be found here (see menu on right side of the page). See Rule 300, Appendix B (definition of Allegation #74) and Procedures 300, Appendix B (specific procedures for Allegation #74).