



### **Decree compliance**

When the Plaintiff last reported to the Court, private agencies complied with the Decree **59.5%** of the time and DCFS teams complied only **57.5%** of the time, according to the reviews received. For reviews received in fiscal year 2009, private agencies complied with the Decree **75%** of the time and DCFS teams complied **60%** of the time. While the numbers are improving, this is not the substantial compliance the Decree requires.

### **Financial sanctions**

DCFS financially sanctions a private agency that falls below a threshold of nine visits in six months. Of the agencies reviewed in fiscal year 2009, DCFS sanctioned one agency \$6,517 for not complying with the Decree.

### **Transportation subsidies**

DCFS provides a transportation subsidy of up to \$150 per month to a foster parent who transports a child and supervises a visit and \$100 to a foster parent who hosts an overnight visit. Private agencies and teams used almost \$40,000 in transportation subsidies in fiscal year 2009. This is up from \$29,000 in fiscal year 2008. Public Guardian employees distributed fliers explaining the subsidies to foster parents in court, in letters, and during home visits. DCFS will look into posting periodic announcements on its intranet to remind DCFS and private agency workers about the Decree and the subsidies available.

### **Monitoring poorly-performing agencies and DCFS teams**

DCFS has provided its private agency and DCFS team reviews for five years now. One thing is clear: An agency or team that performed well one year generally performs well the next time it is reviewed. And the same goes for a poorly-performing agency or team. There is generally little or no improvement in its next review.

As it stands now, DCFS puts a poorly-performing agency on a corrective action plan. But there is no DCFS follow-up to ensure that the agency has followed the plan until QA re-reviews the agency two or three years later. DCFS does not put a poorly-performing DCFS team on a corrective action plan at all and does not follow-up to see if the team is improving. Indeed, one DCFS team actually got worse — compliance declined from 36% to 17%.

The Children believe that QA should monitor an agency or team more closely after a poor review, *e.g.*, every three or six months. Naturally, this would be more labor-intensive. So the Children suggest holding off on reviewing agencies and teams that have consistently scored well to focus on agencies and teams that have not. DCFS is considering this proposal.

#### **Sanctioning DCFS workers**

The parties are encouraged by the increase in the private agencies' compliance with the Decree. But as the Court can see, DCFS teams lag behind. For a number of years, the parties have struggled to create a system to take action against DCFS workers or supervisors who consistently fail to comply with the Decree that the workers' labor union would agree to.

The parties had been working on holding a DCFS supervisor responsible for a worker's noncompliance. But this year the supervisors became unionized as well. The parties need to go back to the drawing board and devise a way to discipline DCFS workers or supervisors who consistently do not comply with the Decree.

#### **Notification requirements**

The Decree requires DCFS to give each sibling and foster parent the names, birth dates, placements, addresses, and telephone numbers of all siblings placed apart. This way, siblings can talk on the telephone and write letters in addition to seeing their siblings twice monthly. For fiscal year 2009, private agencies complied with this requirement **76%** of the time and DCFS

teams complied **100%** of the time. These numbers are a big improvement, especially for DCFS teams. DCFS teams complied only **42%** of the time in fiscal year 2008.

Whenever DCFS decides to separate siblings who are placed together, it must notify each child and the child's attorney and guardian *ad litem*, in writing, at least ten days prior to a move or, if there is imminent risk, within five days after a move. Private agencies complied with this rule just **50%** of the time. DCFS teams did not disrupt any of its sibling groups in fiscal year 2009.

### **Conclusion**

DCFS is not in substantial compliance with the decree. But there is improvement. Of the fiscal year 2009 reviews received, private agencies complied with the sibling visit requirement **75%** of the time and DCFS teams complied **60%** of the time.

An agency or team who has a poor compliance review one year inevitably has a poor showing on its next review. The Children want DCFS to monitor a poorly-performing agency or team more closely. DCFS is considering the Children's suggestion.

The parties need to devise a way to discipline DCFS teams or supervisors for noncompliance with the Decree that the labor union will approve. This work continues.

The children request that this Honorable Court continue this matter to March 5, 2010 for the Children's Report to the Court and Motion to Extend the Consent Decree.

Date: July 31, 2009

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I, Jill Runk, certify that on July 31, 2009, I served this document via the Electronic Case Filing System as to Filing Users and I complied with Local Rule 5.5 as to any party who is not a Filing User or represented by a Filing User.

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