

REDUCING THE DISPROPORTIONATE REPRESENTATION OF AFRICAN AMERICAN CHILDREN IN FOSTER CARE ADVISORY COMMISSION

The Advisory Commission is charged with identifying and developing state-wide recommendations for systemic change that will impact the disproportionality of African American Children in Foster Care.



Letter from the Chairperson & Statewide Chief Deputy Director of Permanency & Intact

August 22, 2023

Dear Governor Pritzker and Members of the General Assembly,

On behalf of the Advisory Commission on Reducing Disproportionate Representation of African-American Children in Foster Care, we thank you for the opportunity to recommend systemic changes to support Illinois families who need services. The Advisory Commission was made up of a core of diverse and consistent contributors to this effort. I thank them for their willingness to prioritize their time to share thoughts and ideas.

It is the view of the Advisory Commission that to change the trajectory of disproportionality at multiple stages and reduce the length of stay in foster care; there must be a multi-level state-wide approach. While the Illinois Department of Children and Family Services has the state mandate to serve youth and families who are subjects of abuse and neglect reporting; there must be a more holistic approach to services and support statewide.

Innovation, training, increased state-wide agency collaborations, increased community service programming, engaging key stakeholders in the court system and fully supporting IDCFS initiatives and their corresponding reforms will be key to system change. The Advisory Commission's recommendations seek to enhance services to families without the need to engage IDCFS; enhance prevention programming at the onset of IDCFS contact and supports to the IDCFS strategic planning to decrease the length of stay in foster care and move families to permanency.

While these recommendations are only the beginning; it is our hope that it becomes the pathway to increased state-wide problem-solving to reduce the rate of African-American children in foster care. We look forward to your review of and consideration for the enclosed recommendations.

Sincerely,

Timothy Snowden

Timothy Snowden (Aug 22, 2023 14:56 CDT)

Timothy Snowden, Chairperson
Advisory Commission on African American
Disproportionality in Foster Care



Background and Structure of the Advisory Commission

The Advisory Commission on Reducing the Disproportionate Representation of African American Children in Foster Care (the “Advisory Commission”) was formerly established by Public Act 102-0470 in 2021. The Advisory Commission is a 23-member statewide commission whose members are appointed by statute, legislators, and the Governor of Illinois.

In August 2022, the Commission convened its first monthly meeting for the purposes of collaborating with various state agencies and other social services organizations to identify causes and factors that contribute to the over-representation of African American children in foster care. The state agencies and stakeholders representative on the Commission include but are not limited to: the Department of Children and Family Services, the Department of Juvenile Justice, the Department of Public Health, the Capital Development Board, the Department of Healthcare and Family Services, the Department of Human Rights, the Department of Human Services, the Department of Commerce and Economic Opportunity, the Department of Corrections, the Department of Labor, the Board of Higher Education, the State Board of Education, the Illinois Community College Board, the Department of Aging, Lutheran Child and Family Services of Illinois, One Hope United and other dedicated members of the public. The Advisory Commission met for purposes of developing effective holistic policies, programs, services, and strategies to include prevention resources that will prevent African American children from coming into the child welfare system as well as to impact the length of stay in care for those that do enter the system and ensure they receive the services or enhanced interventions needed.

The Commission accomplished this by:

- Reviewing and analyzing State and regional data on the racial disproportionality of children in foster care to develop effective policies to prevent African American children's placement in foster or substitute care.
- Examining and developing strategies and policies to address the FY2022 data released by the University of Illinois’ Children and Family Research Center, School of Social Work.
- Monitoring and commenting on existing and proposed legislation that affects African American children who are at risk of placement in the child welfare or juvenile justice system.
- Collaborating with other State agencies and social services agencies in the development of programs that improve African American families access to preventive and supportive services including, but not limited to, legal assistance, housing assistance and family and peer counseling services.

Appointed Members

- Dagene Brown, DCFS Director of Racial Equity Practice
- Latonia Byrd-Williamson, Dept of Juvenile Justice
- Heidi Clark, Dept of Public Health
- Abby Dompke, IL Capital Development Board
- State Representative Mary Flowers
- Tanya Ford, Dept of Healthcare and Family Services
- State Senator Napoleon Harris
- Pam Hudson, Dept of Human Rights

Reducing the Disproportionate Representation of African American Children in Foster Care Advisory Commission

- Tiana McCall, Dept of Commerce & Economic Opportunity
- State Representative Tony McCombie
- Margarita Mendoza, Dept of Corrections
- Dr. Charles Montorio-Archer, One Hope United
- Denice Murray, Adjunct Instructor University of Chicago, Crown Family School of Social Work
- Dana O'Leary, formerly Dept of Labor
- LaTasha Roberson-Guifarro, Lutheran Child, and Family Services of Illinois
- Michelle Shaver, Il Board of Higher Education
- Tracy Small, Dept of Human Services
- Tim Snowden, DCFS Statewide Chief Deputy Director of Permanency & Intact Services
- Janelle Washington, Il College Board
- Chrystal Wofford, Dept of Aging

Legislative Administrative Support

Darnita Jackson, DCFS Administrative Assistant, Office of Legislative Affairs

Commission Framework and Subcommittees

For purposes of answering the charge of tasks and expectations of Public Act 102-0470, the Commission took into consideration the socioeconomic statutes, family support networks, the varying levels of access to and contact with community-based systems such as medical, mental health, educational, housing, employment, advancement in the workplace, and all other State systems of which many African-American families are disproportionately and adversely affected in all aspects and start out on the lower end of these supports. The Commission devised a plan of action and formed various subcommittees based upon state support systems for discussion and to identify policies and procedures that support African American children disproportionately coming into the child welfare system.

The subcommittees considered cultural competencies and included a focused racial lens from an African American perspective in their examination of external supports that may hinder a seamless supportive system overall. Each subcommittee was dedicated to making data-informed decisions for the purpose of developing concrete measurable recommendations for collective intrastate prevention services as well as inherent reduction measures into the length of stay for when African American children are brought into the child welfare system.

The subcommittee structure of the Advisory Commission is as follows:

- **Legal System and Its Impact to Youth-in-Care** which includes prevention and other subcategories of focus based upon the data on disproportionality including the data from Cook County.
- **External Resources and Services that Address Disproportionality** which was to be considered broadly in terms of access.
- **Legislative Impact to African American Families** which included existing and future legislation and/or proposals and recommendations or amendments to existing legislation.
- **DCFS Services to Impact Prevention and Reduce Length of Stay in Foster Care** which included a review of current strategies, policies, procedures, and practices for purposes of identifying decision points at entry or exit of care that led to disparities.

During fiscal year 2023-24, the following Full Commission meetings were held:

- August 25, 2022 via Webex conference
- September 29, 2022 via Webex conference
- November 17, 2022 via Webex conference
- December 14, 2022 via Webex conference
- January 19, 2023 via Webex conference
- February 23, 2023 via Webex conference
- March 16, 2023 via Webex conference
- April 20, 2023 via Webex conference
- May 23, 2023 via Webex conference
- June 28, 2023 Chicago, and Springfield IL
- July 26, 2023 Chicago, and Springfield IL
- August 16, 2023 Chicago, and Springfield IL

Each subcommittee scheduled meetings in between the full commission meetings for the purposes of data review, discussions, and final recommendation formulation.

**Reducing the Disproportionate Representation of African American Children
in Foster Care Advisory Commission**

Advisory Commission Recommendations

Number 1: To increase Reunifications, it is important that tangible resources are available to parents prior to the actual return of children in their care. Parents are also required to provide the required minimal care when there are court ordered unsupervised visits that lead to return home. Early support to these parents will decrease the length of stay in care.

Recommendation:

All parents or previous guardians of DCFS Youth-in-care who have valid unsupervised visitation as documented per the service plan and working towards the goal of Return Home barring a court order that states otherwise; shall be eligible for Department of Human Services and other state funded services they otherwise would be eligible for if their children were in their care and custody. This recommended policy update is recommended to be added to the existing eligibility requirements.

Number 2: The relevant data from the FY2022 Monitoring Report of the B.H. Consent Decree, the FY2022 Racial Disproportionality Report in response to HB2914 as well as IDCFS data indicates that African American children are overrepresented in that they are placed into substitute care at rates 2 times that of their percentage within the Illinois child population and will remain in care longer than 3 years. Additionally, in Cook County the average length of stay in care for African American children is 3 ½ years or 42.6 months as of January 2023 which by comparison exceed every other region statewide.

Recommendation:

The Advisory Commission supports House Resolution 85 which calls for an examination into the Cook County court system around disproportionality, the lengthy court process, i.e., the length of time to adjudication and permanency determinations, the length of stay in care as well as the disproportionate low number of Reunifications.

Number 3: Poverty plays a major role in families being able to meet their needs. Families that interact with IDCFS are disproportionately poor and/or have low-income levels. A small percentage of system impacted families receive public assistance; however, cash assistance is vital in making sure that our most vulnerable at-risk populations are supported whenever applicable. IDCFS data indicates a continual increase in its utilization of Norman Funding with a total expenditure of \$38,304,421.78 for FY2022 of which 41.58% was paid out in support of African American families.

Recommendation:

DCFS will continue and expand its policies in such a way that ensures that all types of family contact with IDCFS includes an assessment and provision of cash assistance to meet needs that promote housing stability and other minimal family needs. Cash assistance is a viable tool to assist families in need. This service consideration shall include, but is not limited to, Investigations, Child Welfare referrals, Intact Family service programs or in instances of Family Reunification. An open IDCFS shall not prohibit a family from receiving this service if engaged by IDCFS during its existing and future program array.

Number 4: The high cost of housing and the disproportionate low-income levels of families served by IDCFS requires an aggressive mechanism of support and a bridge to self-sufficiency for parents. Low-income families suffer from additional barriers to housing such as credit worthiness guidelines, inconsistent housing history, inconsistent employment, and a disproportionate experience with discriminatory housing practices. We must address these barriers in an urgent and concrete way to combat the number one obstacle parents faced when seeking reunification. It is recognized that IDCFS currently has cash assistance programs, housing advocacy programs and multiple Memorandums of Understandings with Housing Authorities statewide, all of which must be increased to support families seeking reunification and reduce the length of stay in care. Reunification supports decrease the length of stay in care.

Recommendations:

- 1. It is recommended that IDCFS develop and receive legislative funding for an innovative pilot housing assistance program in four areas throughout the state of Illinois in which there are disproportionate numbers of African American youth in care. IDCFS shall partner with agencies who specialize in housing assistance to create such a program.**
- 2. This Housing Assistance Program will be specific to biological parents who are seeking and receive court approved reunification.**
- 3. This Housing Assistance Program will provide 18- 24 months of housing subsidy support that will have a gradually decrease in subsidy support beginning 6 months after Reunification.**
- 4. Such a pilot shall include housing advocacy and educational support to parents throughout the twenty-four (24) months period.**
- 5. This Housing Assistance Program shall be evaluated by an external entity for the purposes of recommendations to strengthen the program and further expansion statewide.**
- 6. The suggested areas or counties include Cook, East St Louis, Peoria, and Will County. However, the final area selections should receive further study.**
- 7. IDCFS and Illinois government officials shall continue to expand and/or create HUD public housing opportunities for Illinois families.**

Number 5: The overrepresentation of African American children in the IL Child Welfare System is introduced at the IDCFS Child Abuse and Neglect Hotline as a disproportionate percentage of these calls involve African American children. Per the FY2022 Monitoring Report of the B.H. Consent Decree, African Americans are reported to the Hotline at a rate of twice their current representation in the Illinois population. Illinois families are resilient and with the proper resources in place will seek out support when needed. Illinois must adopt a robust statewide network of services and coordination to support families in need. Being the subject of an IDCFS call to the hotline should not be the avenue that an interested citizen must use to meet a concrete need for a family. Most of the calls to the IDCSF hotline are of a neglect concern.

**Reducing the Disproportionate Representation of African American Children
in Foster Care Advisory Commission**

Recommendations:

1. Therefore, it is recommended that in lieu of the IDCFS Hotline that a “Warm Line” for families shall be developed and organized to streamline support options for parents throughout the state. It is recommended that this state run “Warm Line” operate outside of IDCFS so that families and mandated reporters can call a help line versus calling the IDCFS Child Abuse and Neglect Hotline.
2. It is recommended that this service be housed at the Department of Human Services as many of the state funded support programs are housed in that agency. It shall be required to operate 24 hours/7 days a week and provide timely responses.
3. It is recommended that a state-wide network (portal) be developed with a mandatory requirement that all State entities and services be connected and engaged for purposes of information sharing and awareness of the full range of systems a family is involved with. Equally important is the increased knowledge of available services throughout the state of Illinois.

Number 6: Mandated Reporter Training – In FY21 and FY22, 67-69% of the mandated reporters were human service professionals and/or others in a helping profession.

Recommendations:

1. It is recommended that there shall be increased training conducted on a semi-annual basis that includes but is not limited to racial disproportionality, the impact of family preservation services as well as the urgency to achieve permanency.
2. It is recommended that the Mandated Reporter Training be enhanced to increase an awareness of implicit bias. It is recommended that there be a separate and distinct implicit bias training for Mandated Reporters. This training shall include a required impact analysis component for purposes of identifying trends and means for improvement.
3. It is further recommended that this training include race informed decision-making examples specific to the professional reporter’s line of work. (First Responder, Teacher, Medical)

Number 7: Per Section 2-28 Court Review, paragraph (E) of the Juvenile Court Act Juvenile Court Act, *"(E) The guardianship of the minor will be transferred to an individual or couple on a permanent basis provided that goals (A) through (D) have been deemed inappropriate and not in the child's best interests. The court shall confirm that the Department has discussed adoption, if appropriate, and guardianship with the caregiver prior to changing a goal to guardianship."*

Additionally, the Children and Family Resource Center at UIUC conducted research on the use of Guardianship for Black and White youth that concluded that the use of guardianship is proportionate for groups, however, its total utilization is only 2% of permanencies statewide (Reunification, Adoption or Guardianship).

Sixty five percent (65%) of Illinois youth in foster care are placed with relatives or fictive kin. African American relatives and fictive kin, in many instances, prefer guardianship rather than termination of the parental rights of their family members. Additionally, there is no definitive data that concludes guardianships are any less stable for Illinois youth versus adoption when reunification is deemed unattainable.

Recommendations:

- 1. Modify and or further clarify the statutory language with regards to guardianship as a permanency option as measurable change has not yet been achieved since the initial amendment. The implication is that the updated language is not strong enough to ensure adoption is not required to be ruled out before guardianship can be considered. Guardianship shall be an equal and viable consideration for consideration of the best interest of children when reunification is not feasible. The Illinois Courts needs definitive guidance to increase the use of Guardianship as a viable permanency option that maintains family connections.**
- 2. It is recommended that Paragraph (E) of Section 2-28, Court Review of the Juvenile Court Act be amended to include guardianship as a permanency goal equally with adoption when goals (A) through (C) are deemed inappropriate or not in the child's best interest as provided as follows:**

"(E) The guardianship of the minor will be transferred to an individual or couple on a permanent basis ~~provided that goals (A) through (D) have been deemed inappropriate and not in the child's best interests.~~ The court shall confirm that the Department has discussed ~~adoption, if appropriate, and~~ guardianship with the caregiver prior to changing a goal to guardianship."

Recommended Amendment

(E) The guardianship of the minor will be transferred to an individual or couple on a permanent basis as a permanency goal. The court shall confirm that the Department has discussed guardianship with the caregiver prior to changing a goal to guardianship.

No other goal has the same requirement of "deemed inappropriate" contingent for permanency. Additionally, this consideration by the courts will allow staff to pursue the best interest of the child.

Number 8: The number of youths being reported to the IDCFS Hotline has increased in recent months. Disproportionality begins at this initial encounter with IDCFS and carries through the investigative and intake process for youth in care. Prevention programming in Child Welfare referrals is increasing as well. Illinois Permanency achievement in FY20- FY23 has demonstrated a trend toward an increase in the overall number of permanencies achieved but remains low and requires improvement. The Illinois Cook County permanency data suggests an even greater need for improvement. IDCFS shall review and institute changes that will increase efficiency in the processes and ultimate achievement in Reunification and all forms of alternate permanency options, specifically Guardianship.

**Reducing the Disproportionate Representation of African American Children
in Foster Care Advisory Commission**

Recommendations:

IDCFS shall annually report to this committee all IDCFS efforts, strategies, and outcomes to:

- 1. Review practices and procedures during the investigative process and provide practice remedies that strengthen non-biased decisions.**
- 2. Provide alternatives to IDCFS involvement and program data on Child Welfare referrals.**
- 3. Increase permanency achievement for African American children in furtherance of reducing the length of stay in care and preventions services for Illinois children statewide, with an emphasis on Cook County.**
- 4. Increase the use of Guardianship for African American children who are unable to return home.**

Number 9: Public Act 101-0237 officially named Ta’Naja’s Law requires that when a State Central Registry Call Floor Worker (Hotline) receives information from a mandated reporter and the information reported to the Hotline does not meet the requirements under the Abused and Neglected Child Reporting Act (ANCRA) for an investigation, and there is a prior indicated report of abuse or neglect, or there was a prior open service case involving any member of the household, a Child Welfare referral will be completed. This brief 30-day service period allows families to be linked to a community-based service with further involvement with IDCFS. The need for community-based resources is critical to prevent a future child abuse neglect finding. This program is truly preventative in nature.

The following data suggests that the number of families served in this capacity is increasing at a rapid rate:

FY18: 6,005
FY19: 5,531
FY20: 9,014
FY21: 14,242
FY22: 16,639
FY23: 16,462

Recommendations:

- 1. This legislatively mandated prevention program has proven to be effective. It has increased the number of Child Welfare referrals. This service must be actively funded to serve this ever-increasing caseload and its corresponding resource needs.**
- 2. Public Act 101-0237 shall be reviewed and amended in such a way that requires increased collaboration amongst state funded agencies as a resource for these families who are on the cusp of increased involvement with child welfare services in Illinois.**

3. **Families identified as in need of a Child Welfare Referral receive priority status with all state funded agencies and receives immediate and priority status for a service referral within the thirty-day (30) service window.**
 4. **Utilize Child Welfare Referrals as a bridge to services in the aforementioned “Warm Line” recommendation.**
-

Number 10: The barriers to reunification need to be reviewed with corresponding action recommendations.

Recommendation:

It is recommended that IDCFS shall be funded to facilitate such a research project of closed reunification cases. The intent of this data is to research and analyze data regarding reunification specifically, to inform system change.

Number 11: The IDCFS mandate is critical. There must be an urgent and planful strategy to meet the staffing demands of IDCFS at all levels. Central Management Services plays a key role in supporting IDCFS staffing needs.

Recommendations:

1. **There shall be expedited processes at Central Management Services for IDCFS hiring.**
 2. **Key direct services positions and leadership positions shall be earmarked in such a category that promotes urgency for filling such vacancies.**
 3. **Central Management Service and IDCFS shall collaborate on strategies that increase hiring efficiencies and benchmark future performance against previous years hiring trends.**
-

Number 12: Poverty and employment opportunities will assist families with concrete supports that enable family well-being to reach its highest levels. Supporting educational access for IDCFS involved parents, similarly to current programs that are available for older youth in foster care has a direct link to family self-sufficiency. This support includes but is not limited to traditional programs but also include trade, vocational or skill training.

Recommendation:

The Subcommittee recommends Promise Programs that allow for tuition enhancements for higher education or trade programs for birth parents that are involved with the child welfare system.

Number 13: Per IDCFS data in FY2022, approximately 12% of the indicated findings for abuse and neglect were for inadequate supervision, specific to an inadequate caregiver or being left alone without supervision. There were well over 30,000 allegations of this type pertaining to African American Families alone. Many African American parents are employed in industries that have non-traditional work schedules or unable to afford quality childcare.

**Reducing the Disproportionate Representation of African American Children
in Foster Care Advisory Commission**

Recommendations:

- 1. It is recommended that the current childcare waiver allotment be reviewed for the purposes of expanded childcare waivers being granted for cases that are reported to the IDCFS Hotline for specific allegations, such as inadequate supervision.**
 - 2. Specifically, at the time a hotline call is made, and contact occurs with the family, there is an option for diversion if supervision is ruled as the critical protective factor that requires action for addressing risk/safety.**
 - 3. Increased funding, support, and development of statewide 24 Hours childcare resources to support working low-income parents.**
-

Number 14: Parent education regarding the IDCFS process and the Juvenile Court System is a situational process in which there is not a specific set of information disseminated to all parents.

Recommendations:

- 1. IDCFS coordinate the development of an educational protocol to assist parents with navigating the legal system and promote the service responsibilities of the agency that is voluntary in nature. This information shall include written and pre-recorded virtual trainings and shall be accessible in various languages. This information will be disseminated to parents at the onset of case openings and designated meetings (Administrative Case Reviews). Such information dissemination shall also include the use of web links, QR Codes and open display in IDCFS offices and community provider contracted agencies. This information will also include key information that a court will consider when reviewing a parent's progress. Additionally, IDCFS shall engage in an informational campaign for purposes of disseminating this information in multiple places statewide including but not limited to Family Advocacy Centers.**
 - 2. IDCFS will further develop the existing Family Advocacy Centers to provide in-person consultations for purposes of informing parents of their rights and providing a step-by-step demonstration of the court process.**
 - 3. Per the Advisory Commission's charge to develop child welfare policies and practices that advance more equitable outcomes for African American children, it is recommended that parents be afforded an opportunity for referral to a legal clinic and or IDCFS develop a specific support in their Advocacy office. The legal clinics or IDCFS Advocacy offices shall be available statewide and shall, in addition to other duties, provide information to families that guides them through the investigatory process, and keep parents informed of their rights and responsibilities throughout the process.**
 - 4. Established peer advocates for parents that aid in the accomplishment for achieving housing, education, and childcare for a specified timeframe. It is recommended that each recommendation accepted/realized should have an educational pathway and mentorship opportunities for parents to support success. This shall include identified community partners that will serve as a liaison of sorts without there being a mandate to contact the department (as applicable). These should be offered further upstream without mandates for involvement with IDCFS and/or an indicated finding.**
-

Number 15: Parents have a voice in juvenile court proceedings.

Recommendation:

It is recommended that IDCFS create and/or update practice in policy that allows for Parent/Family Court Reporting. IDCFS shall develop a guide, similarly to the court reports utilized by IDCFS in which parents may submit to the court before or during court hearings on their progress and/or deficiencies upon advice of counsel. This recommendation and information shall not be expected to supersede a parent's right to and adherence to guidance from their legal counsel. This shall not be a mandatory requirement for a parent.

Number 16: The data presented in the FY2022 Monitoring Report of the B.H. Consent Decree and the FY2022 Racial Disproportionality Report in response to HB2914 regarding disproportionality, the State Central Registry, Length of Stay in Care and prevention programs is key to informing the Illinois Juvenile Justice system. The data reported to the legislature by external university partners is critical, informative and provides a road map on strengths and challenges. Current trends and analyses are critical for the Juvenile Court to address and implement due process for families. Critical information must have a consistent path for distribution and analysis.

Recommendations:

- 1. Disproportionality data review meetings should occur statewide. It is recommended that statewide court "data review" meetings be mandated and conducted on at quarterly or minimally on a biannual basis.**
 - 2. The meetings shall be held by county and/or by clusters of counties within a region/area.**
 - 3. It is recommended that such meetings be conducted by external informed Illinois partners who are reviewing this data on a regular basis. The meetings will create opportunities for the Department to present the data & discuss strategies and solutions to reducing the disproportionality within the respective regions or area.**
-

Number 17: The federal Maternal, Infant and Early Childhood Home Visiting Program is an established proven service that supports a pregnant or recent parent(s) during this stressful period. IDCFS fully supports Public Act 103-0498 which establishes the DHS Home Visiting Program to support communities, promote family well-being and provide evidence-based preventive services. The DHS Home Visiting Program shall serve as a guide to increase its usage and shall be a developed resource for non-system involved families as well as IDCFS involved families. This expansion of service reduces disproportionality at the Hotline by equipping local level medical staff with supports for new parents.

Recommendations:

- 1. Expand the home visiting support for families impacted by multiple barriers using the DHS Home Visiting program as a guide. Home visiting shall be offered as a preventive service and shall be available and accessible at the local clinic level throughout Illinois; without an IDCFS referral.**
- 2. Intact families involved with DCFS shall also be eligible for Home Visiting services.**

**Reducing the Disproportionate Representation of African American Children
in Foster Care Advisory Commission**

- 3. There shall be a specific review and comprehensive Home Visiting plan that encompasses the state of Illinois; thus, increasing true prevention resources. This resource will provide mandated reporters with a method to acquire social service support outside of the parameters of a call to the DCFS hotline.**

PAGE INTENTIONALLY LEFT BLANK