

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JAMES NORMAN, et. al. }
 }
 Plaintiffs, }
 }
vs }
 }
 } No. 89 C 1624
 } Judge William T. Hart
Jess McDonald, }
 }
 }
 } Defendant

EIGHTH MONITORING REPORT

Date: May 7, 1997

Period Covered: January 1, 1996 - December 31, 1996

This report is submitted to the Court pursuant the Consent Order which mandates that the monitor gather valid and reliable information to "measure and ensure compliance" with the terms of the Order. This report relates to only those issues of monitoring stipulated in the Order of April 11, 1996, which states, "... The Eighth Monitoring Report shall cover the calendar year 1996. That report will basically be limited to the areas of non-compliance that have been shown. It will be limited to reporting compliance with ¶¶ 5 (a) (Cook County only), 5(b) (Cook County only), 6(b), and 9(c) of the Consent Order and DCFS's methods of determining eligibility, whether through certification or otherwise. For calendar year 1996 defendant shall comply with the information reporting requirements of ¶¶ 15(a), (b) (Cook County only), (d), and (i). Defendant shall also comply with ¶¶ 11, ¶¶ 15(e), 15(f), as they relate to ¶¶ 5(a), 5(b), 6(b) and 9(c)."

John Cheney-Egan
DCFS Office of Litigation Management
160 N. LaSalle, 6th floor
Chicago IL 60601

I. EXECUTIVE SUMMARY

A. PREFACE

The Norman Consent Decree requires the Monitor file semi-annual reports providing information regarding compliance with the stipulation of the Decree. This, the Eighth Monitoring Report, covers the calendar year 1996 and limits the reported information pursuant to The Honorable Judge William T. Hart issuing a Memorandum opinion and Order on April 11, 1996. The information subject to report is confined mainly to Cook County (See Appendix A.)

In recognition that Child Neglect is the most commonly reported form of child maltreatment and the link between poverty and the likelihood of child neglect reports exists, the Illinois Department of Children and Family Services, hereafter the Department or DCFS, has made good faith efforts and a real commitment to complying with the Norman Consent Decree. This is one possible solution to ensure that families are not reported to the system simply because of a poverty.

Throughout the period of monitoring this Decree, improvements have been obvious; this eighth period is no exception.

B. SIGNIFICANT FINDINGS

1. Accomplishments During This Report Period.

- In the last six months of this calendar year, the Norman Computerized Automated Case Assistance Payment Authorization System has been put in place and, during this period, cash assistance data was correct in determining the exact expenditures to families, identifying the purpose for which the money was given and maintaining a current balance of funds to every cash assistance agency so that funds are not depleted. (See Appendix F for all cash assistance data.)

- Currently there are 2,394 certified Norman families with a child with a return home goal; this compares with the largest number previously reported for the 8th and 9th period of 1,529 and 1,729, respectively. (See Appendix C all certification data).

- The Department has authorized that direct line supervisors can now certify cases for Norman services which has resulted in this being the largest category of staff currently certifying.

- A comparative study completed in 1996 reveals 14% of the cases in Cook County had Norman issues and were not certified compared to 23% in the previous year. (See Appendix E.)

● Cook County disbursed more Norman funds during this period than had ever been reported previously. \$574,432 was given to 637 families in this, the 11th period. Prior to this, the single highest expenditure had been in Period 8 with \$229,613 distributed to 262 families.

● The Administrative Case Review Process is working well in relation to policies, procedures and rules related to the terms of this Order.

● During this past year the Norman programs have become integrated into the ongoing resource bank of DCFS services to children and families.

● A cost benefit analysis estimates that in this final six month period, almost \$27 million was saved (\$26,760,568).

2. Areas Needing Improvement

The accomplishments are impressive but there remains areas in which improvement is needed.

● While the certification rate is up, it is not in line with the increase in children entering the system. More work on identifying families who are certifiable is needed.

● The Cook County Regional Counsels Screening Packets for Return Home of Children are "ready to go" and should be initiated as quickly as the packets are received. A Regional Counsel is in the process of being hired for Cook County Protective Services. This issue has been discussed for the six years of the Consent Decree and implementation (See appendix I.)

● There is under-utilization of the expedited AFDC, hereafter known as the Department of Public Aid Norman Application Program or DPA-NAP.

● That more training of Cook County direct service workers on DPA-NAP be conducted as indicated in the recommendations of the DPA-NAP study conducted by Office of Litigation Management be implemented. The Monitor supports all of the recommendations made in this well done study conducted by the DCFS Office of Litigation Management. (See Appendix G.)

CONCLUSIONS

The Department has been effective in developing innovative programs to support good child welfare practice. This effort is continuing in order to take their place in the arena of "best practice" concepts.

Cook County still struggles to come up to the standards of expectation in regard to this Decree. More families must be identified for certification, more funds can be made available for reunification and prevention and more children must be returned home. More training is needed especially in the area of utilizing DPA NAP. The Cook County Regional Counsels Screening Packet for Return Home of Children needs to be in place as quickly as possible to take advantage of this important review.

Primarily, the conclusions deal with effecting ways to ensure the return of children to their homes with as much speed and resources backing that decision as possible.

II. COMPLIANCE SUMMARY AND RECOMMENDATIONS

A. Whether defendant is properly determining who is and is not a class member (Cook County) [Paragraph 3(b)]

1. Conclusion:

Cook County continues in non-compliance but significant improvement is noted.

2. Recommendation:

a. Continued training of staff at all levels to ensure the gains of the past six months are sustained.

B. Whether defendant is providing timely and sufficient cash assistance to eligible class members. In addition, DCFS is not to use this program as a replacement for or result in any action to eliminate any other source of cash assistance for class members to which DCFS has access including "exceptions to policy." Whether DCFS has administered this program in such a way as to maximize federal reimbursement for DCFS's expenditures. Also, whether DCFS has maintained records of every grant made including the needs it was intended to meet, etc. (Cook County) [Paragraph 5(a),(b)].

1. Conclusion:

Cook County is coming into compliance.

2. Recommendation

Continued re-training of Cook County staff is needed.

C. Whether DCFS provides plaintiffs' counsel with drafts of all new policies, procedures, programs, rules, etc. for implementation of the provisions of this Consent Order at least 30 days prior of effective date. [Paragraph 11].

1. Conclusion:

DCFS is in compliance.

2. Recommendation:

None

D. Whether DCFS has determined if not permitted by federal law, that DPA will maintain eligibility for a family at least 90 days during a period of DCFS protective or temporary custody, if permitted by law the amount of such AFDC benefits will not be reduced because DCFS has protective or

temporary custody of such children, if the temporary custody is not expected to last beyond the 90 days.[Paragraph 6(a)].

1. Conclusion:

DCFS is in non-compliance

4. Recommendation:

a. DCFS continue its Norman training effort.

b. DCFS should explore the possibility of an AFDC family retaining the children's portion of the grant for 90 days after the children are placed when reunification is anticipated during that time frame and providing the children's portion thirty days in advance of reunification.

E. Whether DCFS is taking all necessary steps to maximize payment of DPA benefits to eligible persons. [Paragraph 6(b)].

1. Conclusion:

DCFS is in non-compliance statewide.
Good faith efforts are being made to come into compliance.

4. Recommendations:

a. DCFS should ensure that the Norman Divisional Liaison position remain a permanent position within the Department.

b. An additional staff person be assigned to the DCFS Norman Divisional Liaison due to the large volume of work and that social work interns continue to be assigned to this unit for the purpose of implementation of Norman programs.

c. That DCFS and Plaintiffs' Counsel convene a meeting to discuss any possible impact of Welfare Reform on this provision of the Consent Decree.

d. That the recommendations of the survey conducted by OLM be implemented.

F. Whether DCFS has established reasonable time guidelines within which DCFS workers should ordinarily return children home or initiate court action for use in cases where problems with living circumstances are preventing reunification.[Paragraph 9(c), 15 (c)(f)].

(i.e. timeliness guidelines for the caseworkers initiation of court action for reunification.)

1. Conclusion:

While the protocol has been finalized and the structure is in place to begin, the protocol has not yet been implemented therefore, at this writing DCFS is in non-compliance in Cook County.

4. Recommendation:

That DCFS initiate the screening of cases for return home as soon as packets are received by the Regional legal counsels.

G. That DCFS workers and case reviewers are sufficiently trained on the policies, procedures and rules related to the implementation of this Order. [Paragraph 15 (e)]

1. Conclusion:

DCFS is in non-compliance on training regarding the DPA-NAP program. The number of training sessions is impressive as well as the comprehensive nature of the training itself. However, more ongoing training is needed.

4. Recommendation:

DCFS continue training sessions on all Norman programs with emphasis upon the DPA-NAP.

H. That the policies, procedures and rules related to the terms of this Order are being properly applied and enforced through the Administrative Case Review process and the review provided in Paragraph 13 (b) [Paragraph 15 (f)]

2. Conclusion:

DCFS is in compliance

4. Recommendation:

None

III. INTRODUCTION

This is the eighth report representing the eleventh semi-annual reporting period for the monitoring of the Norman Consent Decree entered into on March 31, 1991. Paragraph 15 of the Consent Decree stipulates those areas which were to be monitored on a semi-annual basis. Prior to the entering of the Seventh Monitoring Report, Plaintiffs' Counsel filed a petition to extend the monitoring period. The Honorable Judge William T. Hart issued a Memorandum Opinion and Order, April 11, 1996. The essence of this order is as follows:

"Jess McDonald is substituted for Sue Suter. Motion [209-1] is granted in part and denied in part. Motion [209-2] is denied without prejudice. Seventh Report due April 30, 1996. Eighth Report covering 1996 shall be limited to ¶¶ 5(a)(Cook County), 5(b) (Cook County), 6(b), and 9(c) and Norman eligibility. For 1996, defendant shall comply with ¶¶ 15(a),(b), (Cook County), (d), and (i) 11, 15e, and 15(f)..." (See Appendix A.)

The areas stipulated above for review by the monitor for this report are related to: 1) Norman certification for Cook County; 2) sufficient cash assistance for Cook County and the proper data reporting requirements; 3) whether federal funds are being maximized; 4) expedition of AFDC benefits for Norman certified families; and 5) whether there are guidelines for the initiation of return home petitions in Cook County Juvenile Court.

The Seventh Monitoring Report was filed on June 3, 1996. The Illinois Department of Children and Family Services (hereafter known as the Department or DCFS) filed their response with a work plan in November, 1996. (See Appendix B.)

As described in detail in the Sixth and Seventh Monitoring Reports the Department is moving forward in the many ambitious reform efforts initiated by Director Jess McDonald. The most significant of these efforts include; 1) large numbers of direct line supervisors are nearing completion of their Masters Degree in Social Work; 2) agency accreditation process is proceeding with seven sites having already passed; thirty additional sites are scheduled for accreditation review; 3) the pilots for the Front End Redesign are starting to be implemented; 4) several new initiatives for permanency planning for children have begun, which include emphasis upon adoption and obtaining a federal waiver to initiate subsidized guardianship of children; 5) extensive training efforts are taking place with an emphasis upon professional social work practice; 6) the Purchase of Service (hereafter POS) redesign has been initiated with almost three-fourths of the Cook County foster care children now under the total supervision and case management of the private sector and; 7) the

Child Welfare Research Institute has been established at the University of Illinois, Champaign-Urbana.

During this past year under the leadership of Mary Sue Morsch, Administrator of the Office of Litigation Management and John Cheney-Egan, Divisional Norman Liaison, the programs made available through this innovative Consent Decree have become integrated into the ongoing resource bank of DCFS services and programs to children and families. While more utilization is indicated in some areas, the Department has made great strides.

The outcome measures for other areas of services to children also reflect improvement toward the permanency planning for children. It appears the Department has been able to stop the hemorrhaging of children into the system. The January, 1997 Executive Statistical Summary, prepared by DCFS Office of Quality Assurance reports some encouraging results. These data reflect changes from January, 1996, which include 4.7% increase of children in substitute care; a 2.6% decrease in the number of protective custodies taken; a 10% decrease in the number of children in institution/group home care; an 18.1% increase in the number of children serviced in non-substitute care (home of parent, etc.); and a 10.3% increase in adoptions. These data reflect commendable efforts on behalf of children. The return home rate of children however, continues to be a serious issue.

A. Norman Population

The Child Abuse/Neglect allegations of inadequate food, clothing, shelter and environmental neglect are potentially those allegations in which Norman certification can occur. Therefore, data on these allegations received by the State Central Registry are recorded. Tracked are those reports of allegations which are "Norman only" and "Norman and Other." The latter cases may be coupled with other allegations of child abuse and neglect. The total number of reports with Norman and Other allegations indicated for this period is 15,188 with 940 pending at the end of 1996. Of the 3,527 protective custodies of children taken, 749 children returned before initiation of court action. Of 33,108 reports received for Norman only allegations, 7,418 were indicated with 541 pending on December 3, 1996. The percentage of reports indicated are consistent with all eleven reporting periods.

There are currently 4,701 families certified for Norman services, 1,068 families were certified during the past twelve month period. This is the largest increase in the number of families certified in one year since the inception of the Consent Decree. There are 2,090 families with children currently in placement with a return home goal representing 5,088 children. (See Appendix C for all certification data.) Prior to the sixth reporting period there was a problem in decertification, therefore most of the data was related to cumulative totals not current

numbers certified.

The Norman Consent Decree's primary purpose is to ensure that no child enters or remains in substitute care for reasons of poverty. In the DCFS publication, Performance Contracting: Goals, Outcomes, and Strategies, March 3, 1997, the Department states, "The quarterly rate of reunification of children with their natural parents has plummeted from 7.4 per 100 in care during the first quarter of FY90 to less than 2.0 per 100 children during the first quarter of FY96..... the length of stay in foster care in Illinois now extends to a median duration of 32.7 months as compared to 17.2 months in California, 11.4 months in Michigan, 23.0 months in New York, and 8.4 months in Texas."

The Department has now begun aggressive planning efforts to focus on the permanency planning for children. These efforts are laudable. While the Department considers this concern outside the purview of the Norman Consent Decree, it is the Monitor's opinion that considering the under-certification of families. Some children may remain in foster care only because of Norman issues.

The Table below depicts the comparison of the children returned home whose families were Norman certified and total number of children returned home.

Table I
Norman Children Returned Home
 Compared to All Children Returned Home
 11th Period 7/1/-12/31/96

Region	Norman Children	% of State	All Children Returned	% of State
1A-Rockford	19	3%	183	7%
1B-Peoria	101	17%	296	12%
2A-Aurora	40	7%	331	13%
3A-Springfield	33	6%	208	8%
3B-Champaign	104	17%	325	13%
4A-E St. Louis	51	9%	202	8%
5A-Marion	30	5%	152	6%
Total Downstate	378	64%	1697	66%
6A-Cook Adm.	0	0%	28	1%
6B-Cook North	76	13%	309	12%
6C-Cook Central	43	7%	215	8%
6D-Cook South	98	16%	319	12%
Total Cook Co.	217	36%	871	34%
TOTAL STATEWIDE	595	100%	2568	100%

Data source: DCFM5061B (1/7/97)

While the overall reunification of children remains problematic, the placement of children in substitute care for Norman reasons only has not been noted. The Monitor has conducted several studies throughout the six years of this Consent Decree. These studies have failed to show any significant evidence that the placement of children was due to only reasons of poverty. The last such study was conducted on all protective custodies taken through Cook County Division of Child Protection for the months of September and October, 1996. Every third case was pulled for review. This study again substantiated the previous findings.

B. Cash Assistance

DCFS spent approximately \$2.2 million in FY'96, and anticipates a total expenditure of over \$3 million for FY'97. The budget for FY'98 has earmarked \$3.3 million for all Norman programs. On July 1, 1996, the Department implemented the computerized Automated Cash Assistance Payment Authorization

System. This system has been discussed at length in previous reports. The Seventh Monitoring Report contains the manual for this system which provides a complete description of its use. With this system, the Department can determine the exact expenditures to families, the purpose for which the money was spent, and whether it was spent for reunification or placement prevention. It also maintains a current balance of funds allocated to every cash assistance agency so that no agency depletes funds; this ensures rapid receipt of funds by the families.

Extensive statewide training on the new system was conducted for all DCFS supervisors and regional liaisons. A DCFS supervisor can authorize up to \$800 per family; a Regional Norman liaison can approve up to \$1200 per family and the Divisional Norman Liaison can approve up to \$2,000. The training was conducted by John Cheney-Egan the Division Norman Liaison with the Office of Litigation Management.

Since the computerized Automated Cash Assistance Payment Authorization System was not operational until July 1, 1996 and supervisory authority to approve all Norman services was in effect January 1, 1996, the cash assistance data for the tenth reporting period is totally incorrect. Although supervisors were told at training to keep manual logs of their approvals many did not. Therefore, the cash assistance data for the tenth reporting is not available for this report. The Table II depicts the disbursement of funds for the eleventh reporting period, while this report relates to the compliance aspects of Cook County a comparison to downstate has merit.

TABLE II
Cash Expenditures by Purpose Eleventh Period
July 1 - December 31, 1996

No. of Families	Category	Total Cost of Category	Average Cost Per Family
DOWNSTATE			
711	Prevention	\$ 391,314	\$ 550
194	Reunification	\$ 113,934	\$ 587
905	Subtotal	\$ 505,248	\$ 558
COOK COUNTY			
411	Prevention	\$ 365,429	\$ 889
226	Reunification	\$ 229,575	\$ 1,016
637	Subtotal	\$ 595,004	\$ 934
TOTAL COST		\$ 1,079,432	

A cost benefit analysis estimates that in this final six month period, almost \$27 million was saved (\$26,760,568). This figure is based on a very conservative estimate; it is based on the average size of a family being two children, placements being prevented for a one year period and reunification occurring six months earlier. We computed a yearly cost of care for a child at \$10,000.

An updated Norman Manual has been developed. This manual is an excellent resource for all social workers with clear instructions of how to access Housing Advocacy Program Services, Expedited AFDC for family reunification, cash assistance and the Federal Family Unification Program. (See Appendix D.)

IV. MONITORING COMPLIANCE ISSUES

A. Whether defendant is properly determining who is and is not a class member (Cook County) [Paragraph 3(b)]

1. Findings and Discussion:

There are a total of 4,701 families of Norman certified families. The biggest increase in certification occurred in Cook County which was found in non-compliance at the last report. While downstate was considered in compliance and is no longer a element of analysis for this report, it is interesting to note the certifications statewide for purposes of comparison. The most significant data regarding certifications relates to the number of families with children with a return home or "02" goal. The following table depicts the certifications statewide of the certified Norman families with children with a return home goal for the period covering this report.

TABLE III
Norman Certified Families with Children with a Return Home Goal
December 31, 1996

REGION	10th PERIOD	% OF STATE	11TH PERIOD	% OF STATE
1A-Rockford	87	4%	76	4%
1B-Peoria	224	11%	215	10%
2A-Aurora	102	5%	74	4%
3B-Springfield	91	4%	82	4%
3A-Champaign	321	16%	315	15%
4A-E. St. Louis	171	8%	137	7%
5A-Marion	45	2%	58	3%
Total Downstate	1041	50%	957	46%
6A-Cook. Adm.	11	1%	11	1%
6B-Cook-North	341	17%	375	18%
6C-Cook-Central	340	16%	395	19%
6D-Cook-South	333	16%	352	17%
Total Cook County	1025	50%	1133	54%
Statewide Total	2066	100%	2090	100%

Source: cfc4610F 1/29/97

The significant finding in the above table is the improvement of Cook County in certifying families whose children have a plan to return home. Another significant finding for this reporting period related to the certifier. The CFCM4655A-1/14/97 is data related to the number of cases certified by reason for certification (inadequate food, clothing, shelter and environmental neglect) and certifier. Inadequate shelter continues to be the largest single reason for certification. Of the 1898 new cases certified during this period the largest number of staff certifying is the child welfare supervisor while in the past, it has been the administrative case reviewer. The current report reflects the following: ACR-602; CPS-238; and CWS-1058. This could be an indicator of the results of the extensive training efforts with supervisory and direct service staff so that certification is occurring at the point closest to the client, which is an encouraging finding. However, Cook County tends to certify after a child has been in placement a greater length of time. This could mean that Cook County has a tendency to certify when a return home is more imminent. Also, Cook County has a much lower return home

rate and children stay in foster care longer.

The Purchase of Service Redesign project has resulted in approximately 75% of the children residing in substitute care in Cook County being supervised by agencies in the private sector. These agencies are responsible for the complete provision of services. During this period John Cheney-Egan conducted over twenty-five training sessions for POS workers.

While the number of certifications has increased, proper certification continues to be problematic. The monitor and the assistant monitor conducted another review during this reporting period to determine the level of certification of families. In a review conducted in December 1996, the cases reviewed consisted of currently opened child cases with a permanency goal of return home or "02" to ascertain if cases in Cook County with Norman issues of insufficient food, shelter, clothing and/or environmental neglect were being appropriately certified. A sample of 150 cases from each Cook County Regional Office was requested. While only 97 cases were needed from each region for a statistically reliable sample, more were requested in order to ensure a sufficient number for review. Because case records were not as easily accessible for review, this was a more difficult study to conduct because seventy-five percent of the children cases in substitute care are now in POS agencies. Therefore, a large number of the cases were located in the private agencies since DCFS no longer retains files on POS cases. Cases from the larger POS agencies were reviewed: Catholic Charities and Lutheran Social Services each had ten percent or more of the POS cases with 25 agencies having less than five cases.

This study found an increase in families being appropriately certified from an identical study conducted in January, 1996. In the previous study, 23% of the cases should have been certified and were not, in this study 14% of the cases surveyed should have been certified and were not. The patterns of certification were the same among the three Cook County Regions. However, the study did find that Norman cases were more likely to be found in the POS cases than in DCFS supervised cases. Of the cases which should have been certified and were not, only 2% were found in the POS cases as opposed to 18% in the DCFS cases. Since DCFS personnel continue to certify, this finding cannot be related to the certifier but most likely is due to the type of cases DCFS now carries and to the fact that a higher percentage of DCFS cases as compared with POS cases were reviewed. DCFS will be more likely to supervise children in long term substitute care situations such as residential treatment facilities and in hospitals along with children who have severe developmental disabilities; all representing a population whose return home might be more unlikely to occur quickly. Another reason is DCFS does not always immediately refer a case to a POS agency therefore, certification may not occur until a service plan is developed and a more stable

placement is secured especially where serious abuse and neglect is associated with issues of basic sustenance. (See Appendix E.)

The monitor has previously recommended that certification be eliminated since determining eligibility for a service has no meaning until the client is in need of the service. No other resource needed by a client that is provided by DCFS requires such a process. There has been much discussion regarding this between DCFS and the Plaintiffs' Counsel. At the point the work plan was written it was decided that certification would continue, but in a less cumbersome manner i.e. through a checklist at the Administrative Case Review. DCFS staff finally concluded that the certification process has value clinically and therefore it should continue as it currently exists. The certification data is the only manner that DCFS reports class members to Plaintiffs' Counsel or any other interested party. The Department is aware that under-certification is likely to continue if staff members do not request certification from their supervisor until the need for a Norman service is imminent. However, after more serious discussion within the Department and with the Plaintiffs' Counsel it was decided to continue the certification process as it currently exists. It is the monitor's opinion that serious consideration was made to the recommendation and it was rejected for reasons important to DCFS even though the monitor still contends it is a cumbersome and expensive process. Because certification is not the central issue of ensuring that families receive the needed services the Monitor continues to question its usefulness. The Monitor still wants to be clear that certification does not ensure services. The central point of this Consent Decree is that all families receive the services at the time they are needed. However, since the Department has discussed this issue at length, the Monitor is satisfied that serious consideration has been given to the previous recommendation.

2. Conclusion:

Cook County is rapidly coming into compliance.

3. Data Source:

DCFS data reports and monitors survey.

4. Recommendation:

a. Continued training of staff at all levels.

B. Whether defendant is providing timely and sufficient cash assistance to eligible class members. In addition, DCFS is not to use this program as a replacement for or result in any action to eliminate any other source of cash assistance for class members to which DCFS has access including "exceptions to policy." Whether DCFS has administered this program in such a way as to maximize federal reimbursement for DCFS's expenditures. Also,

whether DCFS has maintained records of every grant made including the needs it was intended to meet, etc. (Cook County) [Paragraph 5(a),(b)].

1. Findings and Discussion:

The most significant accomplishment during this period has been implementing the Norman Automated Cash Assistance System. Special mention should be given to Paula Matea and Angell Dietz of DCFS Information Services Division for their diligent efforts to operationalize this system and to Jim Gregory who first developed the design of the concept. Many hours have been devoted to the implementation of this system without which the Norman cash assistance program could never have the potential of becoming fully operational or could the Department ever have the data needed to evaluate the Norman cash assistance program.

Unfortunately, specific information for the first six months of this report year is not available due to the failure of many of those authorizing payments to keep manual records. The computerized Automated Cash Assistance Authorization Payment System became operational July 1, 1996, which has resulted in no agency running out of money to write checks for needy families. Every payment must be authorized through use of this system which ensures that every payment made is properly recorded. Most agencies are able to have the checks available within two days and in emergencies some can make checks available within hours. The information required of this Consent Decree is collected on this system. (See Appendix F.)

Appendix F contains tables of expenditures since the inception of the Consent Decree. The Tenth reporting period: January 1, 1996 to June 30, 1996, reflects an expenditure of \$338,000. This data was secured from supervisors manually kept logs. There are hundreds of supervisors in DCFS and many did not keep manual logs of their expenditures therefore, recorded are only those expenditures reported to the monitor. We know that DCFS spent \$2.2 million for the total of Norman services in FY'96 (7/1/95 through 6/30/96) therefore the information for the tenth period is meaningless. However, Table IV shown on the next page depicts the expenditures for the eleventh period (July 1-December 31, 1996) when the computerized system became operational. We know this is accurate data because no payment could be made without use of the system. While the report regarding compliance is only limited to Cook County, the expenditures of the entire state is used for comparative purposes.

TABLE IV
ELEVENTH PERIOD
Expenditures July 1-December 31, 1996, Showing Per-Cent of
Expenditure by Region, With number of Families Served

REGION	# FAMILIES	AMOUNT	% OF STATE EXPEND.
1A-ROCKFORD	109	\$ 57,315	5%
1B-PEORIA	224	\$118,531	11%
2A-AURORA	63	\$ 47,592	4%
3A-SPRINGFIELD	93	\$ 52,656	5%
3B-CHAMPAIGN	144	\$ 85,030	8%
4A-E ST. LOUIS	122	\$ 70,116	7%
5A-MARION	150	\$ 74,008	7%
Total Downstate	905	\$505,248	47%
6A-COOK ADM.	47	\$ 35,979	3%
6B-COOK NORTH	168	\$149,501	14%
6C-COOK CENTRAL	206	\$180,741	17%
6D-COOK-SOUTH	216	\$206,163	19%
TOTAL COOK COUNTY	637	\$574,432	53%
TOTAL STATEWIDE	1542	\$1,079,432	100%

Data source: ISD 7/1-12/31/962

This reflects the single greatest expenditure by Cook County since the inception of this Consent Decree. In the First reporting period Cook County spent 24% of the statewide expenditures and the next highest expenditure occurred in the third reporting period with 46%. Fifty-four percent is a significant improvement for Cook County.

It is interesting to note the average cost per family between downstate and Cook County. Cook County gave cash assistance to a total of 905 families at an expenditure of \$505,247 while Cook County served 637 families at a cost of \$595,004. Since housing is the major expenditure, the higher cost of rents in Chicago as well as the expectation of most landlords in Chicago to provide first month and last month rent as a security is a logical explanation for the increased expenditure per family in Cook County.

The Monitor conducted a review of all the Norman certified families of children returned home during the eleventh period to determine how many of the Norman certified families actually received cash assistance at the time of family reunification. The Monitor checked all files of families with children returning home on the DCFS computer system CYCIS. The Table below depicts the findings of that review.

TABLE V
Certified Families Receiving Funds at Time of Reunification And Percentage of Certified Families Who Received funds, by Region

REGION	# RECEIVED CASH	# NO CASH	TOTAL	% OF REGION
Rockford - 1A	6	7	13	46%
Peoria - 1B	38	13	51	75%
Aurora - 2A	17	7	24	71%
Springfield - 3A	9	11	20	45%
Champaign - 3B	44	27	71	62%
E.St. Louis - 4A	16	12	28	57%
Marion - 5A	9	7	16	56%
Downstate Total	139	84	223	62%
Cook North - 6B	18	21	39	46%
Cook Central - 6C	14	11	25	56%
Cook South - 6D	31	18	49	63%
Cook Total	63	50	113	56%
STATEWIDE TOTAL	202	134	336	60%

Data source: DCFS CFCM5061-A 1/07/97

The return home of children remains a serious problem in Cook County; the families of the children returning home in Cook County are receiving cash assistance at a slightly lower rate than downstate families. As discussed often in previous monitoring reports there is no baseline data from which to evaluate the total number of families who should receive these services however, a comparison with downstate is valid. The survey shows that of the Norman children returning home, the percentage of families receiving cash assistance was lower in Cook County than downstate. This finding is significant and could indicate that the families of children who do return home in Cook are not receiving the needed cash assistance.

When one compares the utilization of cash assistance to prevent the placement of children we find a similar picture. Of the funds used for placement prevention, 37% of the families in Cook County received monies to prevent placement while 63% were used by families by downstate regions. (See Appendix F.) This may be one notable indicator of why downstate has a lower placement rate of children.

Previous reports have discussed at length the problems related to services to biological parents in Cook County. It is not disputed by most child welfare professionals that Cook County as a community has a reluctance to advocate for and provide services to biological families in order to prevent the placement of children or to reunify children with their families once placement has occurred. Department personnel have quoted a recent study stating that Illinois shows the lowest reunification rate of children to biological families of the major child welfare states in the country.

The January, 1997, Department statistical report shows that a total of 5,978 intact families were being served downstate by DCFS and 791 served by POS compared to 5,030 in Cook County by DCFS with an additional 1,209 by POS agencies in Cook County bringing the total number of intact families cases for downstate to 6,759 and Cook County to 6,239.

The improvement in the amount of cash assistance in Cook County is an achievement to be lauded. However, when one considers the numbers of children in care and the percentage of children which are Title IV-E eligible in Cook with those eligible downstate and the amounts spent in downstate compared to Cook County, improvement is needed. Table VI depicts this comparison from the Ninth Reporting Period to the Eleventh Reporting Period..

**Table VI
Title IV-E Eligible Children
Periods 9 and 11 by Region**

REGION	9TH PERIOD	9TH% STATE	11TH PERIOD	11TH% STATE
1A-ROCKFORD	981	2%	790	2%
1B-PEORIA	1,901	4%	1820	5%
2A-AURORA	2,053	5%	2,289	6%
3A-SPRINGFIELD	1,290	3%	772	2%
3B-CHAMPAIGN	2,138	5%	1,562	4%
4A-E. ST. LOUIS	1,540	3%	1,128	3%
Total Downstate	10,528	23%	8,871	22%

6A-COOK ADM.	7,136	16%	80	0%
6B-COOK NORTH	7,901	18%	10,099	26%
6C-COOK CENTRAL	7,972	18%	10,718	27%
6-D COOK SOUTH	11,606	26%	9,831	21%
TOTAL COOK COUNTY	34,615	77%	30,728	78%
TOTAL STATEWIDE	45,143	100%	39,599	100%

DCFS financial services

2. Conclusion:

Cook County is coming into compliance as reflected in the significant increase of expenditures during the past year.

3. Data Source

Data from the DCFS automated cash assistance program.

4. Recommendation

That DCFS implement plans to conduct re-training of Cook County staff on this program.

C. Whether DCFS provides plaintiffs' counsel with drafts of all new policies, procedures, programs, rules, etc. for implementation of the provisions of this Consent Order at least 30 days prior of effective date. [Paragraph 11].

1. Findings and Discussion:

The major policy establishing the programs developed as a result of this Consent Decree have been established with the input of the Plaintiffs' Counsel. The only procedure developed during this reporting period has been the guidelines for initiating return home court action in Cook County Juvenile. This procedure has been developed with Plaintiffs' Counsel.

2. Conclusion:

DCFS is in compliance.

3. Data Source:

DCFS OLM staff and Plaintiffs' Counsel

4. Recommendation:

None

D. Whether DCFS has determined if not permitted by federal law, that DPA will maintain eligibility for a family at least 90 days during a period of DCFS protective or temporary custody, if permitted by law the amount of such AFDC benefits will not be reduced because DCFS has protective or temporary custody of such children, if the temporary custody is not expected to last beyond the 90 days.[Paragraph 6(a)].

1. Findings and Discussion:

Effective on May 1, 1993 the agreement between the Illinois Department of Public Aid and DCFS included a provision for the continuance of the adult only portion of the AFDC grant. Under current policy children who are taken into DCFS temporary custody must be removed from the AFDC grant. However, if DCFS anticipates the children can return home within 90 days they can authorize the adult-only portion of the grant to continue if no other children reside in the home. The study conducted related to children who had returned home from 1/1/96 through 6/30/96. During this period twenty-five children were in placement for 90 days or less; of these, 14 children (or 56%) returned to families who were ineligible to receive AFDC. None of the remaining eleven children returned home to families that received an adult-only grant. One child of the eleven returned to a family that received its full AFDC grant within 7 days of the child's return.

This study was conducted by the DCFS Office of Litigation Management to determine compliance with this issue. The complete report is discussed at length in the next section; a copy of the study can be found in Appendix G.

The policy agreement between DPA and DCFS pertaining to the retention of the adult only portion of the grant is a great stride forward. This procedure is found in Section 4.2 of the Norman Manual. (See Appendix H.) However, discussed at length in previous years is the issue of requesting a federal waiver for federal reimbursement for preservation of the entire AFDC grants 30 days prior to reunification and during the 90 days after placement. Plaintiffs' concern is the prevention of homelessness which could once again delay the return home of children. This is of importance because a "mother only" grant does not provide sufficient funds for acquiring or maintaining housing to enable overnight visitation at the child's home in preparation for reunification. In the past this recommendation was agreed upon by both parties. Previous efforts to achieve this involved collaborative efforts between DPA and DCFS to obtain the federal waiver. The waiver was not received and subsequently an exploration was discussed of DCFS absorbing the children's portion of the grant. DCFS states DPA is not interested in submitting for such a waiver; a factor which DCFS cannot control, however, this

issue should be explored further.

2. Conclusion:

DCFS is in non-compliance

3. Data Source:

Norman Application Program at DPA study conducted by John Cheney-Egan, Lori Moreno and Debra Dyer Walker,

4. Recommendation:

a. DCFS continue its Norman training efforts.

b. DCFS should explore the possibility of an AFDC family retaining the children's portion of the grant for 90 days after the children are placed when reunification is anticipated during that time frame and providing the children's portion thirty days in advance of reunification.

E. Whether DCFS is taking all necessary steps to maximize payment of DPA benefits to eligible persons. [Paragraph 6(b)].

1. Findings and Discussion:

Formally referred to as the Expedited AFDC, the Department of Public Aid Norman Application Program hereafter DPA-NAP, allows for the head of the household to apply for the full AFDC grant 30-45 days prior to the return home of children from substitute care. This allows sufficient time for the check to be available at the time of reunification. The procedures of this process are described in Section 4.1 of the Norman Manual. If the proper procedures are followed a family receive their grant by the time the children return home or no later than one week after they return home.

DCFS has been found in non-compliance with this particular Norman program. We received our data from DPA Central Office. In interviewing DCFS staff, many said their clients received the grant within 7 days but did not go through local offices. As a result of receiving this information, DCFS, through the Office of Litigation Management, decided to conduct its own study. Lori L. Moreno and Debra Dyer Walker, social work interns, working under the direction of John Cheney-Egan, conducted the study to determine the problems in implementing this program. The Monitor was actively involved with the design of the study.

The purpose of the study was to determine the actual number of children who returned home to families who received their AFDC check on the date of return home. The sample consisted of the total population of the 469 children who returned home during the tenth reporting period, January 1, 1996 through June 30, 1996. The dates of the return home were compared with the DPA computer system which reflects the date the first check was issued. After this data was secured a data collection form was sent to each social worker of the children in the study. The intended results of this phase was to increase utilization of the program. Therefore, questions for the social workers were developed around reasons for not applying for DPA-NAP for eligible clients, caseworker knowledge of return home, and obstacles interfering with the appropriate application of the program.

Findings of the sample included the following: 469 children were in the sample; 255 returned home to a family that did not receive (were ineligible) for AFDC; 213 returned to families that did receive AFDC; and 40 children were outside the parameters of the study, i.e. child over 18, grant was legitimately reduced, etc. The study states, "Of the Norman Certified families that were return home during the study time frame almost 54% or 93 of the remaining 173 eligible children, returned to families where AFDC applications were filed prior to return home. Twenty percent of the 173 children received a full AFDC grants within 7 days of the date the children were returned home."

The questionnaires completed by the social workers gave valuable information regarding ways the Department can help increase the utilization of this program and served as the basis for recommendations listed below for program improvement made in the study and reinforced by the Monitor.

This was an excellent study completed by the Department in an effort to make this valuable Norman program more accessible to the class members. The social work interns, Ms. Moreno and Ms. Dyer-Walker as well as John Cheney-Egan are to be commended for this effort.

2. Conclusion:

DCFS is in non-compliance statewide.
Good faiths efforts are being made to
come into compliance.

3. Data Source:

Norman Application Program at DPA
April 8, 1997, by John Cheney-Egan, Lori L.
Moreno, and Debra Dyer Walker.
(See Appendix G.)

4. Recommendations:

a. DCFS should ensure that the Norman Divisional Liaison position remain a permanent position within the Department.

b. An additional staff person be assigned to the DCFS Norman Divisional Liaison due to the large volume of work and that social work interns continue to be assigned to this unit for the purpose of implementation of Norman programs.

c. That DCFS and Plaintiffs' Counsel convene a meeting to discuss any possible impact of Welfare Reform on this provision of the Consent Decree.

d. That the recommendations of the survey conducted by OLM be implemented. These are:

i. Data collection and surveys be conducted yearly to increase DPA-NAP program utilization.

ii. Caseworkers should be given certificates of achievement congratulating them on appropriately applying for DPA-NAP and other similar incentives to reinforce utilization.

iii. A Norman Liaison be appointed to train/help POS agencies to learn about this and other Norman programs.

iv. Contact people should be regularly updated on the latest materials and procedures at both DCFS and DPA.

v. The relationship between court personnel and DCFS staff should be improved to foster better communication to determine client readiness for return home and establish realistic return home dates.

vi. A synopsis of directions on how to use Norman programs and the Norman Manual should be sent to DCFS and POS workers in memorandum form.

vii. Forms for application should be standardized and readily available at DCFS Central Stores as well as local offices.

viii. This program should be given more attention at the regularly scheduled Norman Liaison meetings. Making attendance at this training a requirement and qualifying a Norman Liaison by requiring satisfactory completion of a test.

iv. Increase communication and coordination with DPA.

x. Include a check on the service plan for ACR so that reviewers instruct caseworkers to apply for the program.

xi. Standardize the procedure for applying for AFDC.

xii. Supervisors should be instructed to follow-up on all completed DPA-NAP.

F. Whether DCFS has established reasonable time guidelines within which DCFS workers should ordinarily return children home or initiate court action for use in cases where problems with living circumstances are preventing reunification. [Paragraph 9(c), 15 (c)(f)]. (i.e. timeliness guidelines for the caseworkers initiation of court action for reunification.)

1. Findings and Discussion:

During this period the procedures for Norman certified families have been finalized according to Cheryl Cesario, Chief Legal Counsel for DCFS. These procedures meet with approval of the Monitor and Plaintiffs' Counsel. DCFS now has attorneys assigned to each region who will screen all Norman certified cases for Norman services and ensure the quick initiation of petitions for return home. It is the Monitor's understanding these procedures were agreed upon in a meeting on October 16, 1996. The Monitor is informed that the implementation of these procedures is imminent. According to Ms. Cesario all DCFS regional counsel are going to begin the process by reviewing every Norman certified family case in their assigned region to determine if all other issues are resolved in the case and to immediately file a return home petition if Norman issues are the only issues. The regional counsels are prepared to begin this review process as soon as the packets are received. (See Appendix I.)

vii. Forms for application should be standardized and readily available at DCFS Central Stores as well as local offices.

viii. This program should be given more attention at the regularly scheduled Norman Liaison meetings. Making attendance at this training a requirement and qualifying a Norman Liaison by requiring satisfactory completion of a test.

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Ms. Cesario states she is presently interviewing for a regional counsel to be assigned to the Protective Services region of Cook County and the same process will begin there as soon as an attorney is hired.

2. Conclusion:

While the protocol has been finalized and the structure is in place to begin, the protocol has not yet been implemented therefore, at this writing DCFS is in non-compliance in Cook County.

3. Data Source:

Discussion with Cheryl Cesario, DCFS Chief Legal Counsel, and DCFS Response to Seventh Monitoring Report and Work Plan. (See Appendix B.)

4. Recommendation:

a. That DCFS initiate the screening of cases for return home as soon as packets are received by the Regional legal counsels.

G. That DCFS workers and case reviewers are sufficiently trained on the policies, procedures and rules related to the implementation of this Order. [Paragraph 15 (e)]

1. Findings and Discussion:

Extensive training has occurred during this past year. During the first six months alone twenty-five training sessions were held for DCFS supervisors, POS workers, and Norman liaisons. The Norman liaisons continue to have regularly scheduled meetings. One must contribute much of the reason for the increase in family certifications, HAP referrals and direct cash assistance to families to this training effort. However, the low utilization of the DPA-NAP indicates training on this program is especially needed. The Monitor attends the Norman liaisons meetings and attended two of the training sessions. It should be noted there are several Norman programs and it is difficult to grasp the totality of these programs in one training session. The Norman Manual is comprehensive and the training was well organized and skillfully conducted. However, ongoing training is essential for the continued success of the Norman programs.

2. Conclusion:

DCFS is in non-compliance on training regarding the DPA-NAP program. The number of training sessions is impressive as well as the comprehensive nature of the training itself.

However, more ongoing training is needed.

3. Data Source:

DCFS reports, discussions with DCFS staff, the Monitor's attendance two of the training sessions and Norman liaison meetings.

4. Recommendation:

DCFS continue training sessions on all Norman programs with emphasis upon the DPA NAP.

- F. That the policies, procedures and rules related to the terms of this Order are being properly applied and enforced through the Administrative Case Review process and the review provided in Paragraph 13 (b) [Paragraph 15 (f)]

1. Findings and Discussion:

ACR staff document the identification of where living circumstances are a factor in class member's inability to regain custody of their children. At the ACR, they are to ensure that all terms of this Consent Order are being followed. The ACR system is automated to capture much of the data available to the Monitor. Reports are submitted regularly to the monitor. This large data collection system records the certification information contained in this report. These reports document the name of the client, the reason for involvement with the family, which requirements relating to parents' living conditions have been imposed in a service plan or otherwise, whether the parents' living circumstances are currently an obstacle to family preservation or reunification, service plan to correct the parents' living conditions, and the date on which any child in DCFS custody has returned home or is projected to return home.

ACR also conducts a special review of all children in Norman certified families when they do not return home on a projected date. The ACR automated tickler system triggers these review dates. There continues to be a tendency by social workers to make the next six month review date the return home date but this situation has improved. There is no indication that this process prohibits the return home of children. The Norman children tend to return home as scheduled.

2. Conclusion:

DCFS is in compliance

3. Data Source:

Case record reviews.

4. Recommendation:
None

V. CONCLUSION:

The Department has made considerable efforts in training staff during this past year. John Cheney-Egan has trained extensively with supervisors in Cook County and downstate on the Automated Cash Assistance Program and POS workers on all of Norman programs. The increase in the number of families receiving these services can be attributed to these efforts. In the next year more training is planned with direct service staff in Cook County on the total Norman program and statewide on the Norman Application Program at DPA.

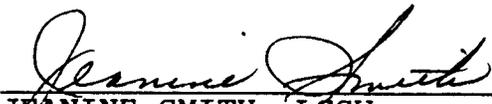
The greatest achievements during this past year is operationalizing the Automated Cash Assistance System and the increase in the number of families receiving cash assistance. Much of the credit for this can be attributed to John Cheney-Egan the Divisional Norman liaison and to his supervisor Mary Sue Morsch, Administrator of the Office of Litigation Management. They have worked tirelessly to make these two objectives a reality. The Monitor cautions that Mr. Cheney-Egan was originally hired as the Housing Specialist and this needed role cannot become diluted by many other duties without additional staff. The Department has integrated Norman programs into the ongoing services of DCFS. They have consolidated the administration the Family Reunification Fund (Harris Fund) with Mr. Cheney-Egan and the Norman funds. This is logical management. However, in order for DCFS to sustain the improvements in the use of these programs, additional training is needed during the next year; Mr. Cheney-Egan needs additional staff. The Federal Unification Funds have been received in twelve cities in Illinois. This is a statewide program and is labor intensive.

The Housing Advocacy Programs will require more attention as difficulty in locating affordable housing becomes more severe. The relationship between the housing authorities and DCFS is unique. His is the only position of its kind within a public child welfare agency in the country. This is a special expertise which is greatly needed. The programs continue to be relatively new and the ongoing work is necessary in order to sustain the strides made to date.

The impact of Welfare Reform is another area which Plaintiffs' Counsel and DCFS should analyze as to how it effects the Norman population of children and families.

There are areas mentioned in this report that the Department will need to continue to address to come into full compliance with this Consent Decree and/or to maintain the improvements made. Under ¶¶ 15 the Consent Decree states information which shall be gathered to supply information regarding the Decree to the monitor. It remains silent as to the responsibility to supply information to Plaintiffs' Counsel after monitoring has ended. This is an issue which should be addressed.

The programs developed as a result of the Norman Consent Decree remain some of the most innovation in the country in child welfare services. The Department and Plaintiffs' Counsel are to be applauded for their efforts to improve the lives of children and families by this effort. When one considers the accomplishments of the past six years the results are significant.


JEANINE SMITH, LCSW

APPENDICES

A	<u>Memorandum Opinion and Order, April 11, 1996</u>
B	<u>Response To Recommendations Found in Seventh Monitoring Report, January 1 - December 31, 1996 with Work Plan For Items Slated for Continued Monitoring</u>
C	<u>Norman Certification Data</u>
D	<u>Norman Manual</u>
E	Review of Cook County "02" Cases -December, 1996
F	Cash Assistance Data
G	<u>Norman Application Program at DPA April 8, 1997</u> by John Cheney-Egan, Lori Moreno, Debra Dyer Walker
H	Illinois Department of Public Aid Policy Memorandum
I	Cook County Regional Counsels Screening Packet for Return Home of Children