

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

B.H., et al., Plaintiffs,)	
)	No. 88 C 5599
v.)	
)	Hon. Jorge L. Alonso
BEVERLY J. WALKER, Acting Director,)	Judge Presiding
Illinois Department of Children and)	
Family Services,)	
)	
Defendant.)	

**PLAINTIFFS’ OPPOSITION TO DEFENDANT’S
MOTION TO MODIFY THE AMENDED AND CORRECTED
IMPLEMENTATION PLAN**

Plaintiffs hereby oppose the “Defendant’s Motion to Modify the Amended and Corrected Implementation Plan” (hereinafter the “Motion to Amend”), Dkt. 639. While Plaintiffs agree that substantial amendments to the current Implementation Plan¹ are necessary, Defendant² has not actually proposed amendatory language for Plaintiffs or the Court to consider. Defendant has not specified which obligations presently imposed under the Implementation Plan would no longer be effective or binding as to the Department. Likewise, Defendant does not clearly state what obligations would continue, or what new and binding obligations are being assumed. The Motion must be denied as wholly inadequate in form (due to vagueness and lack of specificity) and in substance (due to lack of “heft” in the actions proposed).

Before this Court approved the Department’s *current* Implementation Plan, this Court required the Department to identify what it was undertaking to do with specificity, to state why the Department believed that its planned initiatives held promise for success, to plan for a

¹ For ease of reference, the “Amended and Revised DCFS B.H. Implementation Plan,” Dkt. 531, is referred to herein as the “Implementation Plan.”

² Defendant Beverly J. Walker, Acting Director of the Illinois Department of Children and Family Services, is referred to herein as “Defendant.”

substantive evaluation of its planned initiatives so that lessons could be learned from successes *or* failures, and to specify general dates and timeframes for milestone activities. The Court considered several proposed iterations of the Implementation Plan before accepting the current Implementation Plan as adequate in detail. The same level of specificity for any proposed amendments to the Implementation is just as essential, as an Implementation Plan has the effect of an enforceable court order. *See, e.g.*, Dkt. 507 ¶7.h.; Dkt. 531.

Plaintiffs would welcome the opportunity to work cooperatively with the Department to develop an appropriately detailed Implementation Plan amendment, but to date have been unable to do so. The failure of negotiation is attributable to the parties' differing views as to the Department's obligations once it has become clear that original initiatives have not panned out. Plaintiffs contend that in this circumstance, the Department *must* propose a specific, amended strategy by which it intends to achieve the goals set out in the Expert Panel's "Recommendations" for reform, as adopted by this Court. Dkt. 507.

In a submission they have made today, the Expert Panel outlines the Department's alarming retreat from prior good faith efforts to address the Panel's Recommendations of 2015, as adopted by this Court in its Order of October 20, 2015 (Dkt. 507). With the change last year in the Department's leadership, cooperation from the Department has plummeted. The Department is now being led by a Director who consistently refuses to adopt management practices called for under the principles of implementation science,³ and who has sought at every turn to "outlive and

³ As explained on the National Implementation Research Network ("NIRN") website, a "key factor" for achieving systemic change is an "Enabling Context." Part of that context involves close communication with between individuals responsible for reform implementation with "Executive Management" so that "leaders can constructively intervene, *clear barriers, and strengthen facilitators*. In this way, legacy systems are changed in functional ways, and innovations are not crushed." *See* NIRN, <https://nirn.fpg.unc.edu/learn-implementation/systemic-change>.

outlast” Plaintiffs and the Expert Panel rather than to honor the Department’s obligations under the Implementation Plan. Defendant’s present Motion to amend the Implementation Plan exemplifies this tactic. For the reasons set forth below, Plaintiffs ask that the Court enter an Order granting in part and denying in part Defendant’s Motion, as follows:

- Defendant shall treat “Pay for Success” as a concluded pilot and shall complete the program evaluation for that pilot.
- Defendant may continue developing TFC placements with providers (including without limitation LSSI and CHAID), but shall treat TFC as a concluded pilot and shall complete the evaluation for that pilot in respect to the original contracting agencies.
- Defendant shall treat the CME as a concluded pilot and shall complete the program evaluation for that pilot.
- Within 60 days hereof, after consultation with Plaintiffs and the Expert Panel, Defendant shall propose no fewer than two alternative pilot programs and/or initiatives for development of service and placement resources for youth with significant behavioral, emotional and/or psychological challenges, with such proposals providing detail of the type presented in the pilot program descriptions the Department gave in the current Implementation Plan (Dkt. 531).
- Within 60 days hereof, Defendant may present the Court with a proposed Implementation Plan amendment specifying that the next step for the rollout of the Core Practice Model beyond the original Immersion Site locations will be conducted through an agency-based rollout using Caritas. The rollout must include all other substantive aspects of the Core Practice Model, including CFTM and MoSP training, evaluation through QSR, development of an expanded service array, provision of flexible funds for services, modified policy and practice changes that support effective service delivery, and formal program evaluation, as stated in the current Implementation Plan. No variation from that model will be accepted absent an evidence-based showing for the change and an appropriate substitute proposal that maintains fidelity to the Core Practice Model. The proposed amendment shall set out the plan for the Caritas rollout with the same level of specificity that was provided for the original Immersion Sites in the current Implementation Plan (Dkt. 531).
- Defendant may implement use of the OER Plus tool; however, Defendant’s motion to replace QSR in its entirety with the OER Plus tool is denied without prejudice. Defendant shall confer with Plaintiffs and the Expert Panel regarding modification of the QSR process to avoid unnecessary duplication, while still maintaining the same level of monitoring and oversight of performance under the Core Practice Model as promised in the Implementation Plan. Defendant thereafter may move for a proposed Plan amendment addressing with specificity any proposed modification to the QSR process.

- Defendant’s Motion in respect to predictive analytics is granted to the extent that Defendant’s contract with Eckerd has already concluded. Within the next 60 days, after consultation with Plaintiffs and the Expert Panel, Defendant shall present the Court with a proposed Implementation Plan amendment addressing (i) the process the Department will adopt in lieu of Eckerd’s predictive analytics pending incorporation of a predictive analytics feature in CCWIS; (ii) further detailing how predictive analytics will be incorporated into CCWIS; and (iii) providing an anticipated timeline for when that system will be available for use.
- Defendant’s Motion in respect to Mindshare dashboards is denied without prejudice. Within the next 60 days, after consultation with Plaintiffs and the Expert Panel, Defendant shall present the Court with a proposed Implementation Plan amendment addressing the alternative means by which the Department will gather and present the data that it previously agreed to provide through the Mindshare dashboards, and (to the extent necessary) a timeline for when such data will be available for use. Until such substitutes are available, the Department shall remain obligated to maintain the ongoing functionality of the Mindshare dashboards that presently are functional and in use.

Argument

I. The Proposed Amendment Addressing TFC and “Pay for Success”

Defendant’s request for amendment of its Implementation Plan obligations in respect to the Therapeutic Foster Care (“TFC”) and “Illinois Pay for Success Pilot for Dually Involved Youth” should be evaluated in tandem. These initiatives, along with the Care Management Entity (“CME” or “Choices”) and Regenerations pilot programs, were undertaken by the Department in response to Recommendation 1 from the Expert Panel.⁴ Notably, the Choices pilot has concluded, as the Department considered the program essentially redundant given the anticipated rollout of Illinois’ MCO for youth in care (a rollout that has yet to occur). Regenerations is ongoing, and is the *only* one of the four pilots for which evaluation data shows promise. As for TFC and Pay for Success, Defendant seeks to amend the Implementation Plan to “allow” changes to the TFC pilot, and “allow” the Department to continue “fee for service” contracts as a substitute for what “Pay

⁴ Recommendation 1 provided as follows: “Institute a children’s system of care demonstration program that permits POS agencies and DCFS sub-regions to waive selected policy and funding restrictions on a trial basis in order to reduce the use of residential treatment and help children and youth succeed in living in the least restrictive, most family-like setting.”

for Success” used to be. Notably, what the Department is asking the Court to “allow” in practice has *already* taken place.

First, Pay for Success is a dead letter. The program was designed to be supported through a “social impact bond,” but sufficient funding could not be raised. The appropriate action for that program is to complete the evaluation with what data is available and glean whatever lessons can be learned from it. Plaintiffs have no objection if Defendant wants to continue providing services *previously* offered under the “Pay for Success” nomenclature, but that is in no way a “continuation” of the program itself. Indeed, the Department concedes this and further concedes that there is no “formal evaluation” in place for the “fee for service” contracting format it now is using. Rather, the Department merely expresses an intent to *ask* for an evaluation to be performed by the Child and Family Research Center. As set forth above, Plaintiffs respectfully request that the Court require the Department to treat “Pay for Success” as a completed pilot and complete its program evaluation with the data available.

Likewise, Plaintiffs ask the Court to require the Department to treat TFC as a completed pilot, and evaluate the program with the data available, given that the pilot for all intents and purposes is a failure. The TFC pilot began with three selected agencies—LSSI, CHAID, and JCFS. The Implementation Plan included a timeline setting a placement goal of 40 youth in TFC placements within one year from the date of the “service contracts” by April 2018, and 100 youth in such placements by April 2019. Prior Triannual Reports disclose that the Department’s contract with JCFS was terminated, and that the homes CHAID is developing are *relative* homes and are *not* part of the TFC pilot as such (indeed, they are not part of the formal evaluation for the TFC pilot). We also know that contrary to the Department’s statement, it did *not* reach the “40 youth”

goal,⁵ and the Department is slashing its April 2019 goal from 100 to 60 and would still include *relative* homes CHAID develops. *See* Dkt. 648 at PageID 4960.

Plaintiffs certainly have no objection if the Department continues to develop TFC placements with LSSI (non-relative homes) and CHAID (relative homes). And Plaintiffs urge the Department to continue formal evaluation of those programs. Further, if the Department wants to develop a *new* pilot or initiative in the therapeutic foster care arena, Plaintiffs would be happy to talk that through with the Department. But as things presently stand, it is absolutely clear that adding 20 more TFC homes by April, 2019 is not *remotely* sufficient to address the critical, ongoing shortage of services and placements for high-needs youth in the Department's care.

Defendant has confirmed that while the Department continues *generally* to develop services and resources for youth, *no* new initiatives other than TFC, Choices, Pay for Success (which have all stalled or otherwise failed), or Regenerations are being pursued by the Department.⁶ Yet recent reports from the Department confirm that yet again in 2018, the Department is well on its way to having more than 300 youth stranded in psychiatric hospitals for weeks, and in many instances for many months, beyond the time they are ready for discharge. And while the Department now has confirmed that it *does not track* how often a service or resource is identified in a child's service plan and is unavailable⁷—which by itself is an astonishing admission—the report submitted by the experts assisting the Department with the TRPMI program have given snapshot information showing that hundreds of youth *routinely* are on wait lists to

⁵ Thirteen of the 40 youth that the Department counts in order to “reach” its stated goal in fact were placed in homes through CHAID, which does not, in fact, use the non-relative model of therapeutic foster homes contemplated by the pilot. *See* Dkt. 648 at PageID 4954.

⁶ *See* Greenspan Email to Stewart dated 10/2/18, 4:47 p.m., attached hereto as Ex. 1.

⁷ By email dated October 2, 2018, the Department's counsel confirmed that the Department “does not track” how many times youth service plans call[] for a mental or behavioral health service that was not then provided.” *See* Ex. 1 hereto.

either “step up” to residential settings or to “step down” from them. Simply put, resource development remains a critical and unsatisfied imperative, and youth in care continue to suffer devastating harm as a result.

The Implementation Plan expressly requires that “[i]f the evaluation demonstrates that the pilots are meeting stated goals, it is anticipated that they will be rolled out more broadly across the state. *If they are not effective, they will be modified or discontinued, and alternative approaches will be pursued as appropriate and necessary.*” See Dkt. 531 at PageID 1006-07. Here, we have ineffectiveness (TFC) and discontinuation (Pay for Success and Choices), and a clear and pressing need for alternative approaches. Given the failure of all but one pilot Defendant initially proposed to address the Expert Panel’s Recommendation 1, Plaintiffs respectfully submit that Defendant *must* be required to propose new pilots for development of services, resources, and placements for youth with significant behavioral, emotional, and psychological challenges so that those pilots can be added to the Implementation Plan by amendment. Plaintiffs have proposed that the Court order the Department do so, and welcome the opportunity to confer with the Department regarding potential new pilots, including strategies that the Expert Panel previously has raised with the Department.⁸

II. The Requested Amendment Regarding Immersion Sites

As to Immersion Sites, Defendant is asking for permission to proceed with the next Core Practice Model rollout, the most critical element of the Immersion Site process, on an agency basis (with the Caritas agency and the DCFS Southern Region), rather than the geographic approach

⁸ For example, the Expert Panel previously has recommended that the Department consider re-tooling or modifying specialized foster care—for which the Department budgets over \$100 million—as a way to better achieve the desired goals underlying the TFC pilot to create more capacity to serve youth with high-end needs.

required in the current Implementation Plan.⁹ Plaintiffs and the Expert Panel informed Defendant long ago that this approach was acceptable at a macro level. And Plaintiffs acknowledge that Defendant made some revisions to its initial agency-based approach after conferring with Plaintiffs and the Expert Panel. Since then, however, the Department has declined to provide an appropriate plan for this new rollout process. The Expert Panel repeatedly has asked the Department to provide details about timing, process, and most importantly *the content* of the rollout. Of the greatest concern to Plaintiffs and the Expert Panel is that the rollout *must* include a firm, meaningful, and definite commitment by the Department to enhance the array of services to be made available in this rollout process, to promote administrative and contractual procedures that support, rather than impede, the development and provision of individualized and appropriate services for class members, and to apply an appropriate quality review process (QSR).¹⁰ Merely training personnel in the CFTM model *will not improve the lives of youth* if the services and resources identified for the child cannot be obtained, either for lack of funds, lack of authorization to spend, or the absence of an available resource altogether.

The exhibits to Defendant's Motion demonstrate that the Department has yet to prepare an appropriately detailed plan for the Caritas/Southern DCFS rollout. The Motion refers to work groups, and those work groups are preparing plans that apparently will be used to prepare still *other* plans, but only the vaguest outlines of the rollout are identified. Dkt. 639 at PageID 4859-60. Similarly, the Proposal for the rollout (*see* Dkt. 639-1 at PageID 4899) is a study in generalities,

⁹ The Immersion Sites were proposed to address the Expert Panel's Recommendation 2, which calls for the Department to "[e]ngage Department offices in a staged 'immersion' process of retraining and coaching front-line staff in a cohesive model of practice that provides children and their families with access to a *comprehensive array of services*, including intensive home-based services, designed to enable children to live with their families." Dkt. 531 at PageID 1024.

¹⁰ Quality review, or "QSR," is addressed more fully *infra* at 9.

and is incomprehensible in what Plaintiffs view as its most important feature. When addressing what resources will be made available, the Proposal provides as follows:

Increase funding to IPS contracts *and / or* establish flexible funds to support additional children and youth. Potential *new service categories* include: 1. families with identified service needs in the Child and Family Team Meetings, 2. children and youth stepping down from residential placement and, 3. bridge services for children and youth newly assigned to Spec FC to allow the agency time to get services in place. DCFS is *in the process* of determining how much funding is *available* to increase contracts.

The use of “and / or” is not a commitment of resources, particularly where the Department apparently does not even know what “additional” funding will be available for youth who are part of the Caritas/Southern DCFS rollout. And categorizing youth needing services identified through case planning, or youth stepping down from residential, as “new” service categories is simply extraordinary. It is essential that the Department be required to make a firm *and binding* commitment to appropriately fund new service and resource development as an integral part of the Caritas/Southern DCFS rollout. As set forth above, Plaintiffs have provided their proposal for specific relief for the Court’s consideration in respect to the Immersion Site issues.

III. The Requested Amendment Addressing Quality Service Reviews

QSR is the performance quality review model that the Department adopted, through the Implementation Plan, to ensure fidelity to the practices required under its new Core Practice Model.¹¹ Defendant states—inaccurately—that it already has “implemented” QSR with the help of its consultant, CWG. While the Department is *beginning* to use QSR in the Immersion Sites, the process is *in no way* fully implemented. Indeed, the Department does not really have any basis to say how extensively QSR has been implemented, as it cannot even accurately track the number

¹¹ The QSR process is part of the Immersion Site process, and thus was also part of the Department’s Plan to address the Expert Panel’s Recommendation 2. *See* n. 9, *supra*.

of times that caseworkers within the original Immersion Sites have conducted meaningful CFTMs under the new Core Practice Model, part of what the QSR examines. Nevertheless, and though QSR is in its infancy, Defendant now asks for an Implementation Plan amendment that would relieve it of its responsibility to fully implement QSR to ensure ongoing fidelity to the practices required under the Core Practice Model.

Defendant is proposing to replace QSR with something called “OER Plus.” Defendant contends that there is substantial overlap between the OER tool used in the federally mandated review process the Department periodically must undertake, on the one hand, and elements of QSR, on the other. Dkt. 639 at PageID 4862. The Department accordingly has undertaken to prepare a blended review tool that includes all aspects of OER, and adds a variety of additional elements from QSR that were not addressed in the OER tool.

Plaintiffs have informed the Department that they do not object to efforts that reduce unnecessary and duplicative work. Indeed, Plaintiffs have no objection to the Department’s adoption of the OER Plus tool. But both Plaintiffs and the Expert Panel *do* object to wholesale replacement of QSR at this time. The QSR process serves a different and far more intensive approach to quality review than the OER Plus tool. Plaintiffs and the Experts have spent extensive time discussing concerns that the OER Plus tool *is not a sufficient means* for the Department to identify when fidelity to the Core Practice Model either has not been achieved or, if initially achieved, is eroding through lax practice. Maintaining fidelity to the Core Practice Model is of the highest importance to the systemwide reform that the Department has promised to undertake through the Implementation Plan. Accordingly, Plaintiffs have proposed (*see supra* at 3) that the Court grant Defendant permission to implement the OER Plus tool, but *further* order that Defendant must maintain QSR for now. In the meantime the parties can confer as to what elements

of the QSR process must be retained in order to ensure that the level of performance quality review that the Department previously promised to achieve is not diminished in substance, and an appropriate Plan amendment can be proposed thereafter.

IV. The Requested Amendments Addressing Information Systems

Pursuant to the current Implementation Plan, the Department contracted with an outside entity, Eckerd, to develop a predictive analytics program. In addition, the Department contracted with a company called Mindshare to develop computer “dashboards” that would facilitate the display of data for a wide variety of purposes, including ongoing evaluation of various other pilot initiatives in the Implementation Plan.¹² The Department now asks for permission to approach these two data projects through different means. Notably, the Eckerd contract ended months ago, and the Mindshare contract is due to expire at the end of this calendar year.

In respect to “data analytics,” the Department’s abandonment of the Eckerd contract is a fait accompli. It makes no sense to “deny” the Department’s motion in that respect, but Plaintiffs ask that the Department be required to prepare a proper, formal evaluation addressing the problems it purportedly identified with the tool and the “lessons learned” from its experience. No such formal evaluation has been performed, and the significance of such an evaluation is apparent by Defendant’s Motion. At the same time the Department asserts that the “model” Eckerd used was faulty, and that the Department did not understand how it operated, the Department asks the Court to allow it to implement a replacement program “applying the same approach employed in the Eckerd model.” Dkt. 639 at PageID 4865.

¹² The Department identified improvement of its data capabilities as action it would take to address the Expert Panel’s Recommendation 4, which called on the Department to “[r]etain an organizational consultant to aid the Department in “rebooting” a number of stalled initiatives that are intended to address the needs of children and youth with psychological, behavioral or emotional challenges.” Dkt. 531 at PageID 1041.

Moreover, Plaintiffs object to the Department's vague description of the efforts it intends to undertake in respect to predictive analytics. The Department states that for now, it will use an "internal targeted daily list" of certain cases and will review them, but does not *commit* to a plan identifying how that list is identified, what the review will entail, or how the Department intends to utilize the results of its "analytics." Further, there is no promise to evaluate this alternative program. And then, Defendant states that its interim plan ultimately may be supplanted by incorporation of a predictive analytics element into the not-yet-developed-or-up-and-running-CCWIS system the Department is developing. It may be that in the future, such a change will be possible and appropriate. But given that the Department does not yet know if using CCWIS for this function is even *feasible*, it is all the more important for the Department to lay out in appropriate detail the internal, "predictive analytics" approach it is asking this Court to approve.

As for Mindshare, essentially the same problems arise. The Department insists here (as it has in the past) that the Mindshare contract was always intended to be an "interim" step, as the Department attempted to develop internal capacity to develop and maintain the sort of data "dashboards" contemplated under the Implementation Plan. While true, the salient point in terms of an Implementation Plan amendment is that at present, the Department *does not have* such internal capability. Work is underway, and Plaintiffs agree that some recent dashboard models that are under development show promise, but the Department has not remotely delivered on its promises in the current Implementation Plan. Some dashboards were developed by Mindshare, but many were not. And the dashboards that *have* been developed, tested, and validated are still used by the Expert Panel and, presumably, by the Department, as critical aids in monitoring what impact (if any) various pilot programs are having on youth in care—are they receiving the right services? Is service delivery more timely? Are the children safer?

Defendant's proposed amendment to the Plan does not acknowledge that the Department's internal development of dashboards is not remotely on a pace to replace even the *incomplete* set of operational dashboards that Mindshare developed, much less those that are only partially developed (or have not even been started). No information is given as to where the Department's development efforts presently stand, and no projections have been given as to how the Department's work will progress. Instead, Defendant simply asks the Court to "amend" the Plan to "provide for the development of dashboards for the [federally defined] *CFSR measures* to be completed by internal DCFS IT staff." Dkt. 639 at PageID 4865 (emphasis added).

Plaintiffs do not object to the Department's intent to use internal personnel for development of critical IT functions, including the dashboards for CFSR measures *and* the additional dashboards DCFS previously promised to develop. In the meantime, however, the Department *must be required* to do whatever is necessary to keep the Mindshare dashboards that already are in place and in use fully functionally for *at least* as long as it takes the Department to replace those dashboards. The fact that it apparently is taking the Department longer than it anticipated to complete its own computer programming is no basis for allowing the Department to *regress* in critical elements of its data reporting capability. The Department has not shown that extending the Mindshare contract as proposed above (*see supra* at 4) presents any undue burden or expense.

Conclusion

For all of the foregoing reasons, Plaintiffs respectfully request that the Court deny Defendant's Motion to Modify the Amended and Corrected Implementation Plan in several respects, specifically as follows:

- Defendant shall treat "Pay for Success" as a concluded pilot and shall complete the program evaluation for that pilot.

- Defendant may continue developing TFC placements with providers (including without limitation LSSI and CHAID), but shall treat TFC as a concluded pilot and shall complete the evaluation for that pilot in respect to the original contracting agencies.
- Defendant shall treat the CME as a concluded pilot and shall complete the program evaluation for that pilot.
- Within 60 days hereof, after consultation with Plaintiffs and the Expert Panel, Defendant shall propose no fewer than two alternative pilot programs and/or initiatives for development of service and placement resources for youth with significant behavioral, emotional and/or psychological challenges, with such proposals providing detail of the type presented in the pilot program descriptions the Department gave in the current Implementation Plan (Dkt. 531).
- Within 60 days hereof, Defendant may present the Court with a proposed Implementation Plan amendment specifying that the next step for the rollout of the Core Practice Model beyond the original Immersion Site locations will be conducted through an agency-based rollout using Caritas. The rollout must include all other substantive aspects of the Core Practice Model, including CFTM and MoSP training, evaluation through QSR, development of an expanded service array, provision of flexible funds for services, and formal program evaluation, as stated in the current Implementation Plan. No variation from that model will be accepted absent an evidence-based showing for the change and an appropriate substitute proposal that maintains fidelity to the Core Practice Model. The proposed amendment shall set out the plan for the Caritas rollout with the same level of specificity that was provided for the original Immersion Sites in the current Implementation Plan (Dkt. 531).
- Defendant may implement use of the OER Plus tool; however, Defendant's motion to replace QSR in its entirety with the OER Plus tool is denied without prejudice. Defendant shall confer with Plaintiffs and the Expert Panel regarding modification of the QSR process to avoid unnecessary duplication while still maintaining the same level of monitoring and oversight of performance under the Core Practice Model as promised in the Implementation Plan. Defendant thereafter may move for a proposed Plan amendment addressing with specificity any proposed modification to the QSR process.
- Defendant's Motion in respect to predictive analytics is granted to the extent that Defendant's contract with Eckerd has already concluded. Within the next 60 days, after consultation with Plaintiffs and the Expert Panel, Defendant shall present the Court with a proposed Implementation Plan amendment addressing (i) the process the Department will adopt in lieu of Eckerd's predictive analytics pending incorporation of a predictive analytics feature in CCWIS; (ii) further detailing how predictive analytics will be incorporated into CCWIS; and (iii) providing an anticipated timeline for when that system will be available for use.
- Defendant's Motion in respect to Mindshare dashboards is denied without prejudice. Within the next 60 days, after consultation with Plaintiffs and the Expert Panel, Defendant shall present the Court with a proposed Implementation Plan amendment addressing the alternative means by which the Department will gather and present the data that it

previously agreed to provide through the Mindshare dashboards, and (to the extent necessary) a timeline for when such data will be available for use. Until such substitutes are available, the Department shall remain obligated to maintain the ongoing functionality of the Mindshare dashboards that presently are functional and in use.

Alternatively, Plaintiffs request that Defendant's Motion be denied outright in its entirety, without prejudice, due to the Defendant's failure to (i) state with specificity what obligations in the current Implementation Plan the Department will not have to perform, and (ii) Defendant's additional failure to state with specificity the new, binding obligations it will undertake.

Dated: October 5, 2018

Respectfully submitted,

By: /s/ Claire E.W. Stewart

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CERTIFICATE OF SERVICE

I, Claire E.W. Stewart, one of the attorneys for the Plaintiff class in the above-captioned litigation, hereby certify that on October 5, 2018, I electronically filed the foregoing PLAINTIFFS' OPPOSITION TO DEFENDANT'S MOTION TO MODIFY THE AMENDED AND CORRECTED IMPLEMENTATION PLAN with the Clerk of the Court using the CM/ECF system, which will cause an electronic copy to be served on all counsel of record. In addition, I served copies of the foregoing PLAINTIFFS' OPPOSITION TO DEFENDANT'S MOTION TO MODIFY THE AMENDED AND CORRECTED IMPLEMENTATION PLAN on the following individuals, who are Court-appointed experts in this matter, via email as set forth below:

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/s/ Claire E.W. Stewart

Exhibit 1

From: Greenspan, Barbara <Barbara.Greenspan@illinois.gov>
Sent: Tuesday, October 02, 2018 4:47 PM
To: Claire Stewart
Cc: Heidi Dalenberg; Ally Bain; Showalter, J. Michael (mshowalter@schiffhardin.com); Eddings, Shawn; Solomon, Beth
Subject: RE: Request for information relating to service and placement development

Counsel:

In accordance with the terms of the stipulation [Dkt. 628, 635], following are the Department's objections to the set of questions set forth below:

- (1) Other than TFC, CME, Pay for Success, and Regenerations, what initiatives is the Acting Director pursuing to develop services and placement resources for youth with psychological, behavioral or emotional challenges? Please provide a full list of these additional initiatives.

Objection: The Department is not pursuing new initiatives. However, the Department continues to develop services and placement resources. The Department will provide you with a list of the new programs and services, with the program plans that were developed to support implementation of these new programs and services.

- (2) How will the Department implement, evaluate, and monitor the effectiveness and integrity of these initiatives? Please provide the Department's planning documents related to implementation, evaluation, and monitoring for each initiative, including the number of youth to be served, the quantity and substance of services to be provided, and the timeframes for implementation.

Objection: The Department is not pursuing new initiatives. However, the Department is developing services and placement resources. The Department will provide you with a list of the new programs and services launched to date, with the program plans that were developed to support implementation of these new programs and services.

- (3) Does the Department know or track how many times youth service plans called for a mental or behavioral health service that was not then provided? If so, how does the Department track such information and on what data does the Department rely to do so? Please provide the related tracking documents the Department uses to track this information.

Objection: The Department does not track this information from youth service plans.

- (4) If the Department tracks how many times youth service plans called for a mental or behavioral health service that was not provided, does the Department track why it was unable to provide that service? Please provide the related tracking documents the Department uses to do so.

Objection: The Department does not track this information from youth service plans.

- (5) How many youth in the Department's care are on waitlists for placements? Where are those children? What placement are they waiting for? Please provide the documents the Department uses to track such information.

Objection: The Department requests clarification of Request No. 5: what kind of placements are referred to. Please advise, so that the Department can respond to this request. The Department is unable to respond to the request without further explanation.

Best,

Barb

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From: Claire Stewart [mailto:cstewart@aclu-il.org]
Sent: Tuesday, September 25, 2018 4:22 PM
To: Greenspan, Barbara <Barbara.Greenspan@illinois.gov>; Solomon, Beth <Beth.Solomon@illinois.gov>; Eddings, Shawn <Shawn.Eddings@illinois.gov>
Cc: Heidi Dalenberg <hdalenberg@rshc-law.com>; Ally Bain <ABain@aclu-il.org>; Showalter, J. Michael (mshowalter@schiffhardin.com) <mshowalter@schiffhardin.com>
Subject: [External] Request for information relating to service and placement development

Counsel:

We are invoking the Stipulation (Dkt. 628, 635) as to the following set of questions relating to the Department's work to develop services and placements for high-needs youth (youth with psychological, behavioral or emotional challenges):

- (1) Other than TFC, CME, Pay for Success, and Regenerations, what initiatives is the Acting Director pursuing to develop services and placement resources for youth with psychological, behavioral or emotional challenges? Please provide a full list of these additional initiatives.
- (2) How will the Department implement, evaluate, and monitor the effectiveness and integrity of these initiatives? Please provide the Department's planning documents related to implementation, evaluation, and monitoring for each initiative, including the number of youth to be served, the quantity and substance of services to be provided, and the timeframes for implementation.
- (3) Does the Department know or track how many times youth service plans called for a mental or behavioral health service that was not then provided? If so, how does the Department track such information and on what data does the Department rely to do so? Please provide the related tracking documents the Department uses to track this information.
- (4) If the Department tracks how many times youth service plans called for a mental or behavioral health service that was not provided, does the Department track why it was unable to provide that service? Please provide the related tracking documents the Department uses to do so.

- (5) How many youth in the Department's care are on waitlists for placements? Where are those children? What placement are they waiting for? Please provide the documents the Department uses to track such information.

Best,

Claire

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Institutional Reform Project Staff Attorney

Pronouns: she/her/hers

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