

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

B.H., *et al.*,

Plaintiffs,

vs.

ERWIN McEWEN, Director of the
Illinois Department of Children and
Family Services,

Defendant.

No. 88 C 5599

Judge John F. Grady

**SUPPLEMENTAL ORDER
TO ENFORCE CONSENT DECREE**

This cause was presented to the Court on Plaintiffs' Emergency Motion to Enforce Consent Decree ("Plaintiffs' Motion"). *See* Doc. No. 456. The parties stipulated to the admission into evidence of the exhibits attached to Plaintiffs' Motion, the Court heard the testimony of Defendant Erwin McEwen, Director of the Illinois Department of Children and Family Services, and the parties presented argument to the Court.

Based on the evidence presented, and the testimony of Director McEwen, the Court finds that the planned cuts in programs and services that DCFS is undertaking violate the B.H. Decree. The Court finds that Director McEwen is an extraordinarily credible and knowledgeable witness with an understanding of the multiple problems facing the system. The Director's testimony concerning the harm that would occur to children under the program and service reductions that the Director would have to make would violate the Consent Decree in numerous ways. Not only would necessary services be eliminated or reduced, but the damage done would be irreparable. The Court is persuaded by the Director's testimony that the harm that would occur following the program and service reductions that he described could not be restored in the short term once the cuts are made, and that the Decree violations that would be inevitable under the program and service cuts present a certainty of irreparable harm.

For these reasons, and as stated more fully in open court on Monday, June 29, IT IS
HEREBY ORDERED THAT:

1. Defendant shall comply with all provisions of the B.H. Decree and shall not proceed with any reduction or cancellation of any programs or services (including without limitation foster parent and relative reimbursement payments, adoption subsidies, contracts for placements, comprehensive assessments to identify medical and mental health needs upon entering care, medical care, psychiatric services, counseling services, daycare services, System of Care services, services for pregnant and parenting teens, respite services for foster parents, performance of background checks, and fingerprinting) that violate the Decree so long as the Decree remains in effect.

2. Defendant shall maintain current caseload ratios for investigative personnel, follow-up caseworkers, and supervisory staff, whether provided by DCFS or its contracted agencies.

3. Defendant shall continue to provide fully adequate monitoring of service providers, and maintain current professional, artistic and University contracts, including without limitation contracts for training, assessments, Integrated Assessments, research, evaluation for demonstration projects, and the monitoring of residential treatment centers and psychiatric hospitals performed by the University of Illinois at Chicago.

4. Defendant shall continue to perform all necessary clinical and social assessments for all children entering and assure that appropriate services are available to meet the assessed needs.

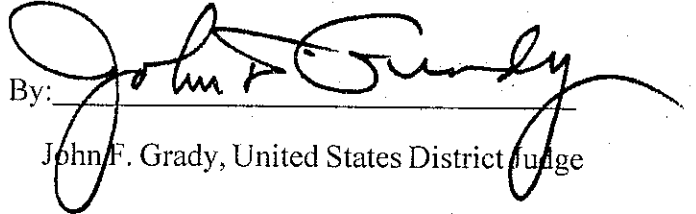
5. Defendant shall submit a written description of any reductions in programs, services, and staffing no fewer than 14 days prior to the implementation of same for review by Plaintiffs. In the event of a dispute as to whether any planned change violates the B.H. Decree, either party may submit the issue to the Court. The requirements of this Paragraph shall terminate upon passage of an FY 2010 budget.

6. On or before July 1, 2009, Defendant shall publish this Order by (i) posting it on DCFS' website, and (ii) by transmission of a copy of the Order to its personnel, to foster parents, and to contractors and providers of services, including any that received prior notice of a reduction in compensation or termination of a contract resulting from budget limitations via e-mail where available and by such other, additional means as the Department employs for communications to the foregoing persons and entities in its usual course of business.

7. It is further ordered that the parties shall appear for status hearing before the Court within 45 days or at such other time as the Court shall require.

Dated: June 30, 2009

SO ORDERED

By: 
John F. Grady, United States District Judge