



HR0824

LRB102 27180 LAW 38740 r

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HOUSE RESOLUTION

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WHEREAS, The Illinois Department of Children and Family Services (DCFS) was established on January 1, 1964 as the nation's first cabinet-level state child welfare agency; until that time, the State's child welfare responsibilities were housed in the Department of Mental Health; approximately 4,000 children were served during the department's first year of operation, compared to a peak of 51,000 children in foster care in 1997 and the 15,000 children it serves today; and

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WHEREAS, Illinois is home to the nation's first juvenile court, counts itself as the birthplace of social work, was among one of the first states to establish child protection laws, was an early signatory to laws mandating the reporting of child abuse and neglect, and created one of the nation's first statewide child abuse hotlines; and

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WHEREAS, The mission of Illinois' DCFS is to protect children who are reported to be abused or neglected and to increase their families' capacity to safely care for them; and

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WHEREAS, On February 11, 2019, police found two year old Ta'Naja Barnes unresponsive and wrapped in a urine-soaked blanket inside her home; medical staff said her core temperature was so low that it would not register on their

1 device; she later died at a Decatur hospital; an autopsy
2 revealed she died from dehydration, malnourishment, and
3 neglect despite the involvement of DCFS during her short life;
4 and

5 WHEREAS, On April 24, 2019, authorities found Andrew "AJ"
6 Freund wrapped in plastic in a shallow grave near Woodstock;
7 DCFS had received at least 10 prior hotline calls concerning
8 the care of children by his parents dated before he was even
9 born; in addition to the hotline calls, five years' worth of
10 police reports exist that paint a picture of unsanitary and
11 unsafe conditions that include animal feces, lack of
12 electricity, and alleged drug use; an autopsy concluded that
13 the he died from injuries to his skull and brain due to
14 multiple blunt-force injuries; and

15 WHEREAS, On March 29, 2022, yet another child, eight year
16 old Navin Jones, died despite extensive involvement by DCFS in
17 his life; while the child's grandmother was his legal
18 guardian, both his older brother and he were residing with
19 their parents throughout February and March; records show that
20 DCFS was facilitating a transfer of guardianship for him in
21 the weeks before he was found unresponsive; the Peoria County
22 Coroner ruled the death a homicide, and police reports said
23 the child was extremely malnourished with a skeletal
24 appearance; further, authorities said he had numerous bruises,

1 scrapes, abrasions, and scars spread across his body; he also
2 had what appeared to be ligature injuries to both wrists; at
3 the time of his death, he weighed just 38 pounds at eight years
4 of age; and

5 WHEREAS, The previously detailed deaths span several years
6 but are eerily similar in detail and have one common
7 denominator, which is the involvement and failure of DCFS; and

8 WHEREAS, DCFS is responsible for the safety of our State's
9 most vulnerable; additionally, the agency is responsible for
10 the well-being of children in care and is tasked with
11 providing appropriate and permanent placement for children who
12 cannot safely return home; and

13 WHEREAS, Over the last year, more than 350 children in
14 DCFS care were languishing in psychiatric hospitals for an
15 average of 55 days because DCFS failed to identify appropriate
16 placement options; and

17 WHEREAS, DCFS Director Marc Smith has been held in
18 contempt for failure to properly place DCFS youth eight times
19 in eleven weeks in 2022 alone; and

20 WHEREAS, Youths in psychiatric facilities can go outside
21 for approximately one hour per day, do not receive schooling,

1 and have limited contact with family and friends; and

2 WHEREAS, Holding the director of a State agency in
3 contempt of court is extraordinarily rare; and

4 WHEREAS, The court has levied a \$1,000 fine per day for
5 each case where Director Smith has been found in contempt; and

6 WHEREAS, Psychiatric hospitals and emergency shelters are
7 much more expensive than other placements and are not eligible
8 for federal reimbursement; therefore, be it

9 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE
10 HUNDRED SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that
11 the Auditor General is directed to conduct a performance audit
12 of the Department of Children and Family Services' response to
13 the tragic deaths of any and all children who have died as a
14 result of the agency's failure to live up to its own mission
15 statement as well as the Department's actions to identify
16 appropriate placement options and avoid further contempt
17 citations; and be it further

18 RESOLVED, That this performance audit include, but not be
19 limited to, the following determinations:

20 (1) The nature of changes made by the Department in
21 operating protocols and staff training thereon, intended

1 to prevent further deaths of DCFS-involved youth, better
2 serve the best interests of system-involved youth, and
3 prevent any unnecessary stays in psychiatric facilities
4 and temporary shelters;

5 (2) The nature and extent of monitoring conducted by
6 the Department to determine whether the improvements,
7 safeguards, and protocols in place are effective to ensure
8 the safety of children in care;

9 (3) The amount of State moneys received and the amount
10 of State moneys expended by DCFS or any other State agency
11 during State fiscal years 2020 and 2021 to address
12 preventable deaths and unwarranted stays in psychiatric
13 facilities and temporary shelters;

14 (4) The efforts of DCFS to come into compliance with
15 court orders holding Director Marc Smith in contempt and
16 why DCFS continues to repeatedly be held in contempt on
17 additional cases and fails to properly place these youths;
18 and

19 (5) The amount of funds spent defending lawsuits and
20 legal matters and coming into court-mandated compliance
21 over issues with failing to properly place DCFS youths;
22 and be it further

23 RESOLVED, That the Illinois Department of Children and
24 Family Services and any other State agency or other entity or
25 person that may have information relevant to this audit

1 cooperate fully and promptly with the Auditor General's
2 Office; and be it further

3 RESOLVED, That the Auditor General is best equipped to
4 conduct an investigation given their understanding of the
5 policies and procedures associated with the Department of
6 Children and Family Services; and be it further

7 RESOLVED, That the Auditor General commence this audit as
8 soon as practical and report its findings and recommendations
9 upon completion in accordance with the provisions of Section
10 3-14 of the Illinois State Auditing Act; and be it further

11 RESOLVED, That a suitable copy of this resolution be
12 delivered to the Auditor General.