

The Illinois Department of Children and Family Services is committed to offering the best possible services to children and families in Illinois who need them. These services are aimed at protecting children and strengthening family life.

The Department seeks your involvement when planning services. You may talk with your caseworker or your caseworker's supervisor about the type of services you feel you and your family need or you may discuss your thoughts at the Administrative Case Review.

Despite these opportunities to work with local office staff, there may still come a time when you have an honest difference of opinion with a Department decision or action on your case. If this happens, you have the right to voice your opinion and work out your differences through the Service Appeal Process.

The Service Appeal Process

This Service Appeal Process is a two-step process. When the issue is the removal or change of placement of a child, the Service Appeal Process consists of a clinical placement review of the placement decision and a fair hearing. In all other cases, the Service Appeal Process consists of mediation, which is optional, and a fair hearing. In some instances you may be able to get a temporary decision on some issues raised by you through an emergency review.

Mediation of Your Issues

Mediation is the Department's attempt to assist you in working out your differences with the local office without having to go through the formal process of a fair hearing. Mediation is an informal process where both you and the staff responsible for the decision discuss your differences with a neutral third party, a trained mediator, leading the discussion. Mediation also gives you a chance to express your opinion through discussion, take part in the decision making process, and be a part of the final decision. If you reach an agreement on the issue raised by you in the Service Appeal Process, all parties sign a Memorandum of Agreement, which spells out the terms of the agreement. Mediation is an optional process and you do not have to participate. If you choose not to mediate your differences, or if you choose mediation and it is not successful, or if you begin mediation and you find you no longer wish to continue,

you may request to have a fair hearing scheduled to resolve the disagreement. Mediation is not available on most change of placement appeals. You must file a Clinical Placement Review instead.

Clinical Placement Review

If you are objecting to the removal or change of placement of a child in your care, you must request and complete a clinical placement review before filing a request for a service appeal. The request for a clinical placement review must be made within three working days after receiving the notice of change of placement. During the clinical placement review there will be a review of the current placement, the reason for the disruption or change of placement, the child's needs, and appropriateness and stability of the proposed placement.

If you do not agree with the decision made as a result of the clinical placement review, you may file an appeal. However, the child will be in the placement decided by the clinical placement review while the appeal is pending.

The Fair Hearing

Federal law gives you the right to have a fair hearing within the Department on the appealable issues you have raised in your service appeal. During this hearing you will have a chance to state your opinion and the reasons for your opinion to an administrative law judge. The local DCFS office making the decision will also state its opinion and reasons for making the decision it did. The administrative law judge will then issue a recommendation to the Director of the Department as to how the issue or issues should be resolved. The Director will consider this recommendation and issue the Department's final decision on the issue or issues.

Emergency Review

Sometimes the Department takes an action without telling you before they do it. This may happen if the Department believes a child is at imminent risk of being harmed if it does not act immediately or if visits remain unchanged during the appeal process. An emergency review allows the Department to make a temporary decision based on a concern that imminent risk of harm may come to a child while your case is proceeding

through the Service Appeal Process. Either you or the Department may request an emergency review. If the issue is the removal of a child, an emergency review is not available. You must file for a Clinical Placement Review instead.

The Final Decision by the Department

If you choose not to mediate, or if you and the Department are not able to work out your differences in mediation, or even if a temporary decision was made by the Department in an emergency review, you have the right to receive a Final Administrative Decision by the Director of the Department. You have the right to have the Department make and act upon its Final Administrative Decision within 90 days from the date you filed your service appeal, unless a delay in this time frame is caused or agreed to by you.

After the fair hearing, the Director will make the Department's Final Administrative Decision and send you notice of this decision in writing. If you do not agree with the Director's Final Administrative Decision you have the right to ask the court to review the decision.

Who May Appeal

You may appeal if:

- You are a family member or child receiving services from the Department directly or from one of its provider agencies or you are requesting services from the Department
- You are a relative caregiver who cares for and has custody of a child for whom the Department is legally responsible
- Under certain circumstances, you are a foster parent who cares for and has custody of a child for whom the Department is legally responsible

Who May Request An Appeal for You

You, your authorized representative, such as a lawyer, relative or friend, or an individual appointed by the court

to legally act on your behalf could appeal through the Department's Service Appeal Process. Throughout the Service Appeal Process you may represent yourself or be represented by another individual.

What May Be Appealed

If you are not satisfied with a decision or action made by the Department or one of its provider agencies, you can challenge the decision(s) or action(s) by filing an appeal through the Department's Service Appeal Process.

Families may appeal:

- The denial in whole or in part of child welfare or day care services or the failure to decide within 30 days from your request for services to give you the services requested
- A decision to reduce, suspend, or terminate services
- A choice of permanency goal or the denial of a request for a change in permanency goal
- Failure to complete a service plan within 30 days from the date of case opening or failure to review a service plan within the specified time frames required
- Failure to provide services as specified in the service plan
- The frequency, length, and condition of visits between you and your child or between siblings when they are placed apart
- A change in your child's placement
- Requiring you to accept services or conditions as part of your service plan you feel are unnecessary
- The denial of request for services made by an individual legally appointed to represent a minor, incompetent, or incapacitated person

Foster parents or relative caregivers may appeal:

- Decisions that directly affect you, such as payments to you for the care of the child for whom the Department is legally responsible
- Decisions about services for the benefit of the child for whom the Department is legally responsible and is in your care, such as day care, medical, education or psychological services
- Failure to provide services as specified in the service plan for the benefit of the child. This does not include services for the biological family such as family therapy or counseling.
- A change in the child's substitute care placement, provided that the child has been placed in the home for at least 60 days. This does not include placements with the biological or adoptive parent(s), or sibling(s), placements for purposes of adoption as ordered by the court, or return to an individual(s) with whom the child resided prior to entering substitute care.

What May Not Be Appealed

You may not appeal some decisions or actions by the Department through the Service Appeal Process. These are:

- Adjustments made in services by change in state or federal law
- Issues already determined through the Department's Service Appeal Process
- When the issue is not defined as a service under specific Department rules. (You may find you can appeal these issues under other appeal processes within the Department and your appeal will be routed to the appropriate process.)
- Services offered to Department clientele for which the Department is not responsible but another state or federal agency is solely responsible for carrying out these services, such as medical assistance
- When a court has made a judicial determination or issued an order on the issue being appealed

How to Request an Appeal through the Service Appeal Process

If you do not agree with a decision made or action taken by DCFS pertaining to services, you may do the following:

Appeal within 10 days from receiving notice and you may be able to stop the Department from acting on its decision until such time that your case has proceeded through the Service Appeal Process.

Request a service appeal in writing within 45 days from receiving notice of the decision or action intended to be taken by the Department.

If you do not agree with the decision made in a clinical placement review regarding the change in placement of a child in your care, request an appeal within 10 days from the clinical placement decision.

Make your written request for a service appeal to:

Administrative Hearings Unit
Department of Children and Family Services
406 E. Monroe St., Station 15
Springfield, IL 62701
217/782-6655

If you are unable to submit a written request, contact your local office and someone from the Department will assist you in preparing your written request. You should include in your request your name, address, phone number, and statement indicating your wish to appeal, and what you are appealing. You may also include a brief summary stating your position on the Department's decision or action you are appealing, what you would like done to resolve the problem, and any other information you feel the Department should consider when reviewing its decision.

Freedom from Discrimination

If you feel you have been discriminated against by the Department or any of its staff on the basis of race, color, religion, sex, national origin, inability to speak or comprehend the English Language, or physical or mental handicap, there is a process to review your situation. Though this is not a service appeal issue, thus not

appealable through the Service Appeal Process, you may voice your discriminatory concerns by contacting the Department's Office of Affirmative Action within 30 days from the date of alleged discrimination:

Office of Affirmative Action
Department of Children and Family Services
State of Illinois Center
100 W. Randolph, Suite 6-200
Chicago, IL 60601
312/814-4692

Advocacy Office for Children and Families

The Department has an office that assists any individual seeking information about any of its services or functions, including the Service Appeal Process. If you have any questions or need information about the Department, contact the Department's Advocacy Office for Children and Families. It has a toll-free number that allows you to call the Department without charge to you.

Advocacy Office for Children and Families
Department of Children and Family Services
406 E. Monroe St., Station 10
Springfield, IL 62701
Main Telephone: 217/524-2029
Toll-Free Telephone: 800/232-3798
TDD Telephone: 217/524-3715

In case of an emergency after business hours of 8:30 a.m. to 5 p.m., Monday through Friday, excluding holidays, contact your local DCFS office. All offices have an after-hours emergency system in place to respond promptly to your call.

DCFS is an equal opportunity employer,
and prohibits unlawful discrimination in
all of its programs and/or services

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