Joint Statement from Movement for Family Power and the Shriver Center on Poverty Law on Buxton v. DCFS.

The child welfare system’s coronavirus response is making circumstances worse for families who are entangled in a system that was never designed to support them – abruptly ending physical contact between parents, children, and siblings; placing family reunifications in limbo; and freezing legal challenges in the face of broad child welfare prosecutions – all in an economic time which will have severe and lasting impacts on marginalized communities.

One clear example of this in Illinois, where family visits between parents and children and between siblings were suspended by the Department of Children and Family Services (DCFS) policy issued on March 25, 2020. This decision was contrary to experts’ warnings, federal guidance, and advocates’ pleas urging against this type of action because of the permanent harm it would cause families. In response, four mothers who had not been with their children in two months, Ms. Buxton, Ms. Joyce, Ms. Fleming, and Ms. McDonald, challenged DCFS’ policy and asked the Court to enforce the juvenile court’s visitation orders for supervised contact. They argued that DCFS’ unilateral decision to end family contact was unconstitutional and that
established safety protocols could be observed to facilitate visitation.

We disagree with today’s decision by the Chancery Division of the Circuit Court of Cook County to dismiss the case and not issue a temporary restraining order. Contrary to the Court’s finding, the Chancery Division not only has the jurisdiction but also the duty to hear constitutional challenges to DCFS’ actions, especially when those constitutional challenges cannot be entertained in Child Protection court, as is the case here. The Chancery Court’s ruling leaves these mothers and their children with no legal venue to challenge their indefinite separation. The harm from this decision has been exacerbated by the further postponement of hearing dates in Child Protection cases pursuant to Special Order 2020-7, issued on May 18, 2020.

Instead of holding DCFS to its legal and moral responsibility to make efforts to facilitate safe visits, the Court’s ruling showed a clear preference for prioritizing what is convenient and expedient for DCFS as opposed to what is most dear and essential to families and communities. These mothers must now again try to explain to their children, who range in age from two months to 11 years old, why they can’t be together. In addition to causing this jarring trauma to families, DCFS’s coronavirus response has placed families’ ability to reunify in jeopardy, restricted their access to the courts, and exacerbated
the disproportionate impact of this pandemic on Black and Brown communities.

Family visits are essential in this time of crisis. While we are disappointed that the court missed the opportunity to honor families’ rights, we remain hopeful that DCFS will facilitate the return of family visits.

To Ms. Buxton, Ms. Joyce, Ms. Fleming, and Ms. McDonald, our hearts are with you. We thank you for sharing your stories, for your courage, and for your tireless efforts to correct the injustice done to your families. To you and the countless other families across the state impacted by DCFS’s ban on supervised visits, we stand with you and will continue to advocate and work to hold systems accountable until they do right by your families.

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The Shriver Center on Poverty Law fights for economic and racial justice. Over our 50-year history, we have secured hundreds of victories with and for people living in poverty in Illinois and across the country. Today, we litigate, shape policy, and train and convene multi-state networks of lawyers, community leaders, and activists nationwide. Together, we are building a future where all people have equal dignity, respect, and power under the law. Join the fight at povertylaw.org.
Movement for Family Power works to end the Foster System’s policing and punishing of families in order to create a world where the dignity and integrity of all families is valued and supported. Visit and learn more at [www.movementforfamilypower.org](http://www.movementforfamilypower.org).