



ILLINOIS KNOW YOUR RIGHTS GUIDE

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Our hope in creating these materials is to arm individuals with knowledge and resources to navigate the DCFS investigation process with confidence and understanding. We strive to ensure that individuals, families, and communities facing DCFS investigations understand their rights, have access to legal guidance and supportive community-based resources, and achieve the outcomes they seek for themselves.

Special thanks for their collaboration and thought partnership in the creation of these materials to LaShawn Etheridge, Callan Jaress, LYTE Collective, and the Law Project of the Chicago Coalition for the Homeless.

– Tanya T. Gassenheimer,
National Center for Youth Law

Introduction & How to Use These Materials

If you are living in DCFS custody and are pregnant or parenting, you are represented by lawyers at the Chicago Coalition for the Homeless. Call 1 (800) 940-1119 to connect with your lawyers.

If somebody reports to the Illinois Department of Children & Family Services (commonly referred to as “DCFS”) that they suspect a child is being harmed by abuse or neglect, DCFS may investigate the report, which may mean that they investigate you or someone you know. If DCFS is investigating you, it means that they are considering and will decide whether they believe there to be evidence that you have caused harm to the child by abuse or neglect.

If you are under investigation by DCFS, DCFS is required by law to take certain actions and provide certain information to you. “[Your Rights During a DCFS Investigation](#)” describes in further detail what legal rights you have, what can happen if you exercise those rights, and how the investigation process is supposed to happen.

Once an investigation concludes, the case could possibly go to court. Even if it does not go to court, however, it is important to understand what can happen to the records of that investigation, what DCFS is legally required to do, and what options you have to challenge DCFS’ decision(s) and/or remove records of the investigation. More information can be found in “[Your Rights After a DCFS Investigation](#).”

In “[Visual Timeline of DCFS Investigations and Court Processes](#),” you will find a visual representation and description of all that can happen during and after a DCFS investigation, including what can happen if the case goes to court.

“[Terms You May Hear or See and What They Mean](#)” defines and explains terms that DCFS and the court use during these processes and that you will likely see on papers and materials and hear during the investigation process and in court.

“[Legal Resources](#),” “[Parenting Support & Supplies](#),” “[Therapy & Counseling](#),” “[Food Resources](#),” and “[Resources for Youth](#)” include places and people you can call for legal advice or representation and for support in accessing food, shelter/housing, healthcare, and more.

Your Rights During a DCFS Investigation

If you are living in DCFS custody and are pregnant or parenting, you are represented by lawyers at the Chicago Coalition for the Homeless. Call 1 (800) 940-1119 to connect with your lawyers.

You can call Case Tracking at (773) 371-6161 to find out if you are under investigation or (217) 785-4010 to find out if you have been investigated before. You may be asked to provide a consent form (which DCFS should send you) or prove your identity to have information released to you.

If DCFS comes to your home or questions you as part of a DCFS investigation of you, you have the following RIGHTS:

- To be interviewed within 7 days of the hotline call (subject to limited exceptions).
- To receive written notice of the investigation within 14 days of the hotline call.
- To access information in the report with the exception of information that would identify the reporter.
- To speak with a DCFS worker who speaks the same language as you.
- To job-related protections called “DuPuy protections” if you work with children.
 - To learn more about these protections, [click here](#) to find a lawyer you can ask or to refer to a Self-Representation Manual that explains more about these protections.
- To give DCFS any information that supports your case.
- To give DCFS “collateral contacts,” people who would support you; DCFS must speak with identified collateral contacts.

You also have rights to refuse to do the following things, but it is very important to know there are ways DCFS can use your refusal(s) against you.*

- To refuse to speak to DCFS.
 - Your refusal to speak to DCFS can be used against you, but it cannot be used as the only reason they make a decision against you.
- To refuse to allow DCFS into your home, though DCFS may be able to get a court order allowing them to enter your home without your permission.
- To refuse to allow DCFS to interview the child(ren) in your home without a court order, though DCFS may try to interview your child(ren) in another location.
 - If you allow the interview to proceed, your child has the right to have someone else present for the interview.

During this process, the system will not provide you a lawyer and does not have to tell you that you can speak to a lawyer. You are allowed to speak with a lawyer, and it is advisable to do so if you can and as early in the process as possible. *If you refuse to do something DCFS is asking you to do, it is especially important for you to talk to a lawyer about how that can impact you.



If at any point during the investigation DCFS believes the child is unsafe, it can...

...create a Safety Plan, which may involve your child staying outside the home or with someone else temporarily, among other possibilities.

This is supposed to be voluntary, but DCFS may threaten more severe action if you do not agree, so it may not feel like a choice.

...take Protective Custody, removing the child from your custody/home and deciding where the child will stay.

DCFS must get court permission within 48 hours to continue its custody.

For a more detailed explanation of the terms “Safety Plan” and “Protective Custody,” [click here for the Definitions page](#).

Your Rights After a DCFS Investigation

If you are living in DCFS custody and are pregnant or parenting, you are represented by lawyers at the Chicago Coalition for the Homeless. Call 1 (800) 940-1119 to connect with your lawyers.

You can call Case Tracking at **(773) 371-6161** to find out if you are under investigation or **(217) 785-4010** to find out if you have been investigated before. You may be asked to provide a consent form (which DCFS should send you) or prove your identity to have information released to you.

After an indicated finding, you have the following RIGHTS:

- To receive a copy of the investigative file.
- To participate in an [administrative appeal](#) process. You can [appeal](#) to change the record or overturn the finding completely.
- You must request the appeal within **60 days** of the finding. A hearing will be scheduled, where you and DCFS can present evidence. This 60-day deadline is on hold if you are currently in a related criminal or juvenile case.
- To have a court review the decision(s) made after your appeal process is complete.

Decisions DCFS makes after an investigation, what happens to the records, and how they can affect you:

- **UNDETERMINED**—a temporary decision that means that DCFS did not have enough information to make a final decision within 60 days. If DCFS shows a good reason for this delay, it will get another 30 days to make a decision of [Unfounded](#) or [Indicated](#).
- **UNFOUNDED**—DCFS has decided that no credible evidence of abuse/neglect exists. “Credible evidence” is a legal term, which means

here that DCFS has found that there is enough information to believe that abuse or neglect did not occur.

- **Who can access records from an unfounded investigation?**
- Records from an unfounded investigation may stay accessible to DCFS but nobody else except in specific circumstances:
 - DCFS will share the investigation results with the child’s lawyer within 45 days IF the child currently has any of the following:
 - a juvenile delinquency case while under DCFS custody/guardianship;
 - a juvenile delinquency case and an open [DCFS Intact Family Services](#) case; or
 - an abuse/neglect court case.
 - Unless subject to an exception, the child’s name and information will be [expunged](#) immediately.
 - If subject to an exception, the child’s name and information will remain available to DCFS in the case of later investigations.
 - **How can records from an unfounded investigation be used?**
 - Records from an unfounded investigation generally CANNOT be used in court or an administrative proceeding except in the following circumstances:
 - certain hearings related to abuse/neglect/dependency of the same child;
 - certain hearings related to abuse/neglect/dependency of a sibling of the child; or
 - certain hearings related to an allegation of abuse/neglect/dependency against the same person as in the original investigation.
- **INDICATED**—DCFS has decided that credible evidence of abuse/neglect exists. “Credible evidence” is a legal term, which means here that DCFS has

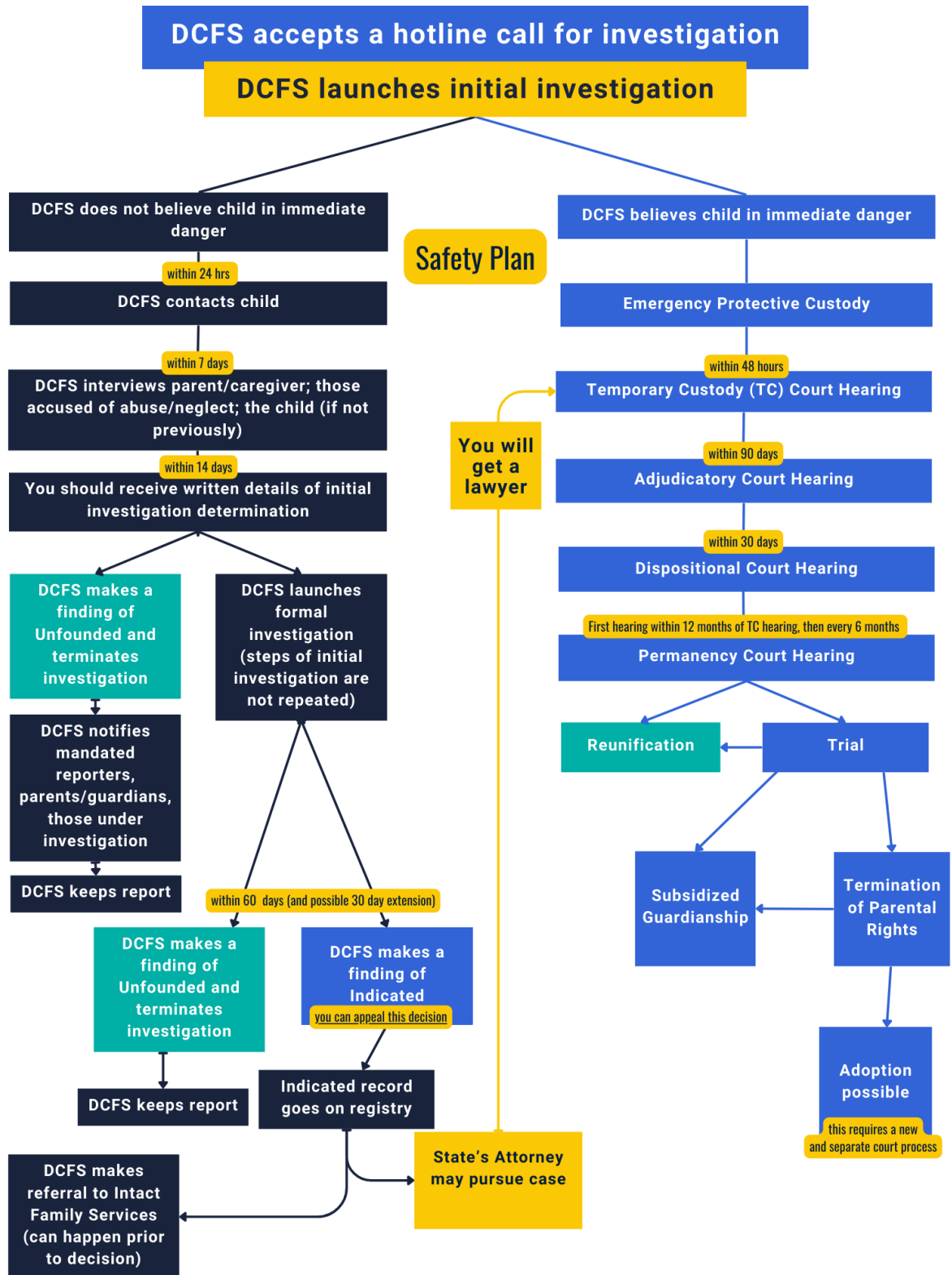
found that there is enough information to believe that abuse or neglect may have occurred.

- **Who can access records from an indicated investigation?**
- Records from an indicated investigation can stay accessible to DCFS and others like employers and schools.
- DCFS will share the investigation results with the child's lawyer if the child has any of the following:
 - a juvenile delinquency case while under DCFS custody/guardianship;
 - a juvenile delinquency case and an open [DCFS Intact Family Services](#) case; or
 - an abuse/neglect court case.
- The [State Central Register](#), or [registry](#):
 - If you do not [appeal](#) the decision or lose an appeal, your name will be kept on a registry called the [State Central Register](#) for 5, more than 5, or 50 years. The length of time you stay on the registry will depend on what you were indicated for and the result of any appeal.
 - If another report is received involving specific individuals*, then you will stay on the Register until 5 years after the new case is closed.
 - *This statement applies to a new report involving any of the following people:
 - the same child;
 - the child's sibling;
 - a child of the child's sibling; or
 - the same person under investigation for abuse or neglect of the child.

- **How can records from an indicated investigation be used?**
- Those that can access the [State Central Register](#) like courts and employers may use this information against you.
- The [indicated finding](#) may itself be taken to court and turn into a court case. If this happens, you should be notified in writing and given a lawyer when you go to court. [For more information about the court process, click here.](#)

During this process, the system will not provide you a lawyer and does not have to tell you that you can speak to a lawyer. You are allowed to speak with a lawyer, and it is advisable to do so if you can and as early in the process as possible.

Visual Timeline of DCFS Investigations and Court Processes



Terms You May Hear or See and What They Mean

Adjudication Hearing – a court hearing where a judge decides if a child is (by the law’s definition) abused, neglected, or dependent.

Administrative Hearing – a type of legal hearing that happens outside of court. The process of appealing an Indicated finding, for example, happens in this type of hearing, where you can present evidence yourself or through a lawyer or advocate.

Adoption – a legal process in court in which a judge’s decision creates a new, permanent legal relationship between a child and adult. This process gives the adult parental legal rights.

Appeal – a legal process available to challenge certain decisions made against you.

Disposition Hearing – a court hearing where a judge decides if it is in the best interests of a child according to the law to be considered a ward of the court, which means the judge could then make certain decisions about what would be best for the health, safety, and interests of the child and of the public.

Emergency Protective Custody – when DCFS, law enforcement officers, or doctors take a child while investigating a report of abuse/neglect because they believe that the child is in immediate danger. If this happens, DCFS must go to court within 48 hours for the court to decide if DCFS needs to maintain protective custody over the child(ren) or not.

Expungement – a legal process that may be available to you to remove your name and information from the State Central Register, often called the registry.

Finding – when DCFS makes a decision after an investigation, they call that decision a "finding."

Indicated – a finding by DCFS after an investigation that credible evidence of abuse/neglect exists. “Credible evidence” is a legal term, which means here that DCFS has found that there is enough information to believe that abuse or neglect may have occurred.

Intact Family Services – When DCFS determines a report is indicated, the parents or caregivers may be offered services arranged for by DCFS. DCFS may also offer services to the family before making a determination of indicated or unfounded. Whether you accept the services or not should not be a factor in DCFS’ determination.

Permanency Hearing – a court hearing where a judge decides a permanency goal for the child. A permanency goal is a decision about where the child should permanently live when the court case is over. Each permanency goal involves specific legal requirements. Options for permanency goals include: • that the child should return home within 5 or 12 months or that there should be another court hearing to decide if the child should return home; • that the child should stay in a placement away from home until a Termination of Parental Rights trial is held; • that the child should be adopted; • that legal guardianship of the child should be granted to another individual or couple; • that a child over 15 should stay in a placement away from home while considering legal independence; • that the child should stay in a placement away from home due to reasons of developmental or mental health disabilities and needs; or • that the child should continue to stay in a placement away from home.

Safety Plan – a set of arrangements that DCFS believes is needed to ensure the safety of the child(ren) during a child abuse/neglect investigation. This plan is supposed to be a written agreement between you and DCFS that is voluntary, temporary and short-term, reviewed regularly, and signed by you. You should talk to a lawyer if possible if a Safety Plan is suggested or created in your case.

State Central Register – the record of child abuse/neglect reports kept by DCFS, often called the registry.

Subsidized Guardianship – a decision a court can make after a trial process to transfer the responsibility and rights for the care, custody, and supervision of the child to a person or couple other than the child’s parent. Subsidized Guardianship does not require but can involve Termination of Parental Rights.

Temporary Custody Hearing – a court hearing where a judge decides if DCFS needs to take custody of the child. This can be after Temporary Protective Custody is taken or after an Indicated finding.

Termination of Parental Rights – a decision a court can make after a trial process that ends the legal relationship between a parent and child. This decision is subject to Appeal.

Undetermined – a finding by DCFS that it did not have enough information to meet its requirement to make a final decision on an investigation within 60 days. If DCFS shows a good reason for this delay, it will get another 30 days to make a decision of Unfounded or Indicated.

Unfounded – a finding by DCFS after an investigation that no credible evidence of abuse/neglect exists. “Credible evidence” is a legal term, which means here that DCFS has found that there is enough information to believe that abuse or neglect did not occur.

Legal Resources

Resources to help you contact a lawyer for legal advice or possible legal representation.

You May Already Have a Lawyer

If you are living in DCFS custody and are pregnant or parenting, you are represented by lawyers at the Chicago Coalition for the Homeless. **Call 1 (800) 940-1119** to connect with your lawyers.

If/When/How Repro Legal Helpline

For legal consultation and advice about abortion, pregnancy loss, birth, or a related experience, including if you think any of these experiences has contributed to DCFS action against you, **call (844) 868-2812** or complete the form that can be found at <https://www.reprolegalhelpline.org/contact-the-helpline/>. More information can also be found at <https://www.reprolegalhelpline.org/>.

Ascend Justice

Call (312) 971-5932 or email a completed intake form to intake@ascendjustice.org. Intake forms in English or Spanish can be found at <https://www.ascendjustice.org/dcfs-cases/>.

If the case is an emergency, include “EMERGENCY” in the subject line. Emergencies include:

- a DCFS case involving a safety plan or a deadline or hearing in the next 7 days;
- Needing accommodations or time off from work to attend court, counseling, or related services;
- Needing to move out or change locks at home for safety reasons;
- Another parent refusing to return children or taking the children without permission;
- An immediate safety risk

If you are representing yourself to appeal an indicated finding, refer to Ascend Justice’s Self-Representation Manual, which can be found at <https://www.ascendjustice.org/child-abuse-accusations/> in the section on Appeals.

Parenting Support & Supplies

Resources to help you access play spaces and programming for you and your child(ren), diapers, cleaning supplies, and more.

HelloBaby Woodlawn

Free *play space with daily programming* for **caregivers and babies ages 0-4**.

Address: 600 East 61st Street (between St Lawrence & Champlain)

Website: <https://hellobabychgo.org/>

Call (773) 280-5613

Hours: Mon-Fri 10am-3pm

Rogers Park Free Store

Provides *free diapers, food, cleaning supplies, and more*.

Address: 1407 W Morse Avenue at N Glenwood Avenue, Chicago, IL 60626

Website: <https://facebook.com/RogersParkFreeStore>

Hours: Tuesdays 1-2pm & Saturdays 12:30-1:20pm

Email: RPFreestore@gmail.com

For more parenting support and supplies, including related to birthing, breastfeeding, childcare, play spaces, and more...

...check out EveryMom Chicago's Resource Guide at

https://docs.google.com/document/d/1mbqtw8umlAS-yrRX-hG_7A3MP5pw9kFjPQXs41SiWfl/edit.

Therapy & Counseling

Resources to help you access mental healthcare and wellness.

Sista Afya Community Mental Wellness

Provides *free and low-cost mental wellness/therapy for Black women.*

Email: communitycare@sistaafya.com

Website: <https://sistaafya.com/therapy>

LaShawn Etheridge, LCSW

Experienced Chicago-based therapist working to see healed people and whole communities by helping people gain insight into how what's happened to them affects their daily functioning and how systems of oppression impact wellness. Specialties include **working with parents and children who have experienced trauma due to family separation and involvement with DCFS**, *mood disorders, grief, co-parenting difficulties, and parent-child issues.*

Certified in Eye Movement Desensitization Reprocessing Therapy (EMDR), Child-Parent Psychotherapy, and Nurturing Parenting Program.

Email lashawn@shecc.com or at

<https://www.psychologytoday.com/us/therapists/lashawn-etheridge-chicago-il/938314>

Insurances accepted: Medicaid, Aetna, Blue Cross Blue Shield PPO, Cigna, United Healthcare

For more therapy and counseling resources...

...check out EveryMom Chicago's Resource Guide at

https://docs.google.com/document/d/1mbqtw8umlAS-yrRX-hG_7A3MP5pw9kFjPQXs41SiWfl/edit.

Food Resources

Greater Chicago Food Depository

Visit <https://www.chicagosfoodbank.org/> to search for a food pantry near you, learn about food stamps and Medicaid, and more.

Rogers Park Free Store

Provides free *diapers, food, cleaning supplies, and more.*

Address: 1407 W Morse Ave at N Glenwood Ave in Rogers Park

Website: <https://facebook.com/RogersParkFreeStore>

Hours: Tuesdays 1-2pm & Saturdays 12:30-1:20pm

Email: RPFreestore@gmail.com

For resources for youth that include access to food, refer to the “Resources for Youth” section below.

For more food resources...

...refer to the “Free Food” section on EveryMom Chicago's Resource Guide at https://docs.google.com/document/d/1mbqtw8umlAS-yrRX-hG_7A3MP5pw9kFjPOXs41SiWfl/edit.

Resources for Youth

If you are living in DCFS custody and are pregnant or parenting, you are represented by lawyers at the Chicago Coalition for the Homeless. Call 1 (800) 940-1119 to connect with your lawyers.

Broadway Youth Center

*Healthcare and health insurance services; resource advocacy; drop-in space with access to food, showers, rest; and community programming for **LGBTQ+ youth and youth experiencing housing instability 12-24.***

Address: 1023 W Irving Park Rd, Chicago, IL 60613

Website: <https://howardbrown.org/service/broadway-youth-center/>

Call (773) 388-1600 and ask to be connected to BYC

LEGAL CLINIC: Every other Thursday 10am-Noon

Center on Halsted

*Anti-violence, healthcare, cultural, and other programming and services for **LGBTQ+ youth and seniors.***

Address: 3656 N Halsted St, Chicago, IL 60613

Website: <https://www.centeronhalsted.org/programsoverview.html>

YOUTH LEGAL CLINIC: 2nd Wednesday of the month, 10am-Noon

Covenant House Illinois

Drop-in center with access to *food, showers, rest*; services and programming for support accessing *housing, healthcare, transportation, employment, and more*, for **youth 18-24**.

Address (open 24/7): 2934 W Lake Street, Chicago, IL 60612

Website: <https://www.covenanthouse.org/homeless-shelters/chicago-illinois>

Call, anytime, (312) 759-7878

LEGAL CLINIC: every other Thursday, 12:30pm-2:30pm

Ignite Belfort House

Shelter and housing programs with access to *supportive services* for **youth 14-26**.

Address: 3745 S Indiana Avenue, Chicago, IL 60653

Website: <https://www.ignitepromise.org/locations>

Call (773) 548-4443

LEGAL CLINIC: 2nd Wednesday of the month, 4pm-5pm

Ignite Community Hub

Housing, job training, and more for youth **14-24 experiencing housing insecurity**.

Address: 56 E. 47th St, Ste 410-C, Chicago, IL 60653

Website: <https://www.ignitepromise.org/locations>

Call, anytime, (866) 803-8336, text (312) 625-1858, or email info@ignitepromise.org

LEGAL CLINIC: every other Wednesday, 10am–Noon

La Casa Norte - General Information and Access to Support Services

For general information or to access support services Monday through Friday, 9am-6pm, call (773) 276-4900.

Website: <https://www.lacasanorte.org/get-help>

For emergency shelter for individuals 18-24, dial extension 290 (Logan Square, 24/7); 251 or 253 (Back of the Yards, Mon-Sun 9am-9pm)

For emergency shelter for pregnant or parenting youth 18-24, dial extension 292 (Logan Square, Mon-Sun 9am-9pm)

Or email info@lacasanorte.org

La Casa Norte Back of the Yards Drop-in Center

Access to *food, rest, resources, and supportive services* for **unaccompanied youth 16-24.**

Address: 1736 W 47th Street, Chicago, IL 60609

Website: <https://www.lacasanorte.org/emergency>

LEGAL CLINIC: 1st Monday and 3rd Tuesday of the month, 9:30am-11am

La Casa Norte Humboldt Park Drop-in Center

Access to *food, rest, resources, and supportive services* for **unaccompanied youth 16-24** with on-site food pantry.

Address: 3533 W North Avenue, Chicago, IL 60647

Website: <https://www.lacasanorte.org/emergency>

LEGAL CLINIC: every other Thursday, 11am-1pm

LYTE Collective

Supports **young people 16-30** with connecting to *housing, employment, legal, public benefits, mental and physical health, and childcare resources*. Provides *meals, shower, laundry, music studio, art space, and gym* on site.

Address: 549 E. 76th st Chicago, IL 60619

Website: <https://www.lytecollective.org/>

Hours: Monday 11am-5pm, Wednesday Noon-6pm, Thursday 11am-5pm

Call (872) 731-2257 (If calling after hours, leave your name, number, and a brief message) or **email info@lytecollective.org**

LEGAL CLINIC: 1st and 3rd Thursday of the month, 11am-2pm

Streetlight Chicago

Guide with up-to-date information on critical resources like *shelter, food, and health care* for **young people experiencing housing insecurity**. Features include *maps to locate resources near you* and the ability to “*book a bed*” at a shelter.

Get started with the **web version** at streetlightchicago.org or **download the app on your phone**.

Submit questions or feedback at <http://streetlightchicago.org/contact> or email streetlight@chicagohomeless.org.

YWCA Teen Parenting Program

Provides **parents 12-18** with *free diapers, wipes, formula*.

Address: 6600 S Cottage Grove Ave

Call (773) 955-3100 or email doris.knight-taylor@ywcachicago.org