

A Parents' & Caregivers' Guide to DCFS Investigations in Illinois

What is DCFS?

The Department of Children and Family Services (DCFS) is the Illinois state agency that investigates reports of child abuse and neglect. Sometimes people refer to DCFS as a "child welfare agency" or "child protective services (CPS)."

Being investigated by DCFS does not mean you are a bad parent. No matter why DCFS is involved with your family, you have legal rights during a DCFS investigation.



DISCLAIMER: This guide will provide you with basic legal information about your rights and responsibilities during a DCFS investigation in Illinois. This guide is not meant to provide you with legal advice about your particular situation. Only a lawyer can give you legal advice about your specific case. This guide is not meant to provide information about investigations in other states: each state's system, laws, policies, and practices are different.

Please contact (312) 971-5932, ext. 200 or intake@ascendjustice.org for more information or to complete an intake application for services.



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What happens during a DCFS investigation?

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Hotline Call

Most DCFS investigations start when someone calls the Child Abuse & Neglect Hotline (1-800-CHA-BUSE) to report potential child abuse or neglect.

The hotline operator will write a summary of the caller's report and categorize the call based on the abuse or neglect allegation.

You do NOT have the right to know who reported you to the Hotline.

2



First Safety Check

A DCFS employee, called a "mandate worker," must usually try to see your children within 24 hours of the hotline call to make sure they are safe.

You have the right to refuse to let the mandate worker in your home. However, if you refuse to cooperate, DCFS may ask a judge for a warrant to enter your home.

After the safety check, a DCFS investigator will be assigned to your case. Usually, it will be a different person than the original mandate worker who came to your home.

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Investigation

During the investigation, the investigator will want to meet with you, your child(ren), and any other people who may have information about the allegations in the hotline report.

You should receive a notice of investigation, also called a CANTS 8 Notice, when the investigator initially comes to your home. Make sure you ask the investigator for this written notice before speaking with DCFS about the allegations against you.

DCFS investigations are generally completed within 60 days. However, DCFS investigators can get extensions.

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Results of Investigation

At the end of the investigation, the DCFS investigator and their supervisor will decide whether to "indicate" or "unfound" the allegations of child abuse or neglect.

If DCFS decides to "indicate," this means that DCFS believes that they have found credible evidence of abuse or neglect. If DCFS decides to "unfound," this means that DCFS does NOT believe that they found credible evidence of abuse or neglect.

You should receive a letter in the mail from DCFS that tells you the outcome of the investigation. If you are indicated you have the right to appeal that decision within 60 days of the date on your notice of indication.



Your Interview with DCFS

Your interview with DCFS is your chance to tell your side of the story. However, you should be careful with how you answer the investigator's questions.

In most cases, when the DCFS investigator comes to your home, they will want to meet with you to discuss the allegations made in the hotline call and determine if your children are safe. The DCFS Investigator should be asking questions related to the allegations in the hotline call, but they also may ask questions that are unrelated.

If you are unsure whether or how you should answer any particular questions, you can ask to reschedule your interview because you want to consult an attorney first.

If there is a criminal investigation or criminal case against you relating to the same allegations, you should not speak to DCFS about the allegations unless and until you speak to a criminal attorney.

Disclaimer: This guide does not provide examples of every question that the DCFS Investigator may ask you. If you have further questions about how to answer a DCFS investigator's questions, please reach out to an attorney or contact Ascend Justice to complete an application for services.



Your Interview with DCFS

"Do you know why I am here today?"



If you don't know the exact reason why DCFS is investigating you, do not try to guess. Answer in a way that invites the investigator to give you more information. You could respond by saying, "I know there was a hotline call made, but I would like to know more specific details." When in doubt, ask for the specific details of the allegations against you prior to answering any questions.

The next few pages of this guide give examples of questions that the investigator may ask you, as well as tips on how to answer these questions.

Potentially problematic questions will be marked with an exclamation point, as shown here:



Your Interview with DCFS



"How do you respond to the allegations in the hotline call?"

If the allegations are false, you should tell the DCFS investigator that you deny the allegations. If you have evidence supporting your position that the allegations are false, you can provide this to the investigator.

"What kind of work do you do?"

If you work with children, you **SHOULD** tell the investigator. You may have special protections and rights during a DCFS investigation if you work with children.

"Do you have a criminal history?"

If you have a criminal record, you should tell the investigator if they ask. DCFS will be able to find this information, and it will not look good for you if you try to hide this.



Your Interview with DCFS

"Do you take any medication?"



DCFS does NOT have a right to your private health information. If you are taking prescription medications, you can tell the investigator that you take medication, but that you are maintaining your right of privacy regarding your diagnoses and treatment.

"Do you have any mental health history?"



Giving DCFS access to your mental health records is generally NOT recommended as it can work against your interests. You can tell the investigator that you are asserting your right to privacy regarding your mental health history.

"Is there domestic violence in the home?"



If you are the victim of domestic violence, DCFS is supposed to presume you are not abusive or neglectful, as long as you have taken reasonable precautionary measures to protect your children. If there is domestic violence, it is best to acknowledge it to the investigator and clearly tell them what steps you are taking and have taken to protect your children.



"Do you have a history of substance use?"



You do NOT have to share your history of substance use with DCFS. However, if you have been sober for several years and can demonstrate active and ongoing steps to maintain your sobriety, you may want to share this with the investigator.



These questions are potentially problematic and could lead to DCFS obtaining information that could hurt your case. If you have any questions or concerns about how to answer these questions, consult with an attorney before speaking with the DCFS investigator.



Your Child's Interview with DCFS

The DCFS investigator will want to meet with your child(ren) during the investigation. The investigator should be asking basic questions about your child(ren)'s home life and if they feel safe with you. To prepare your child(ren) for their interview, you can tell them that someone will be asking them some questions and that they should tell the truth.

You probably have concerns about a DCFS investigator meeting with your child(ren). If you are the subject of the investigation, you do not have the right to be present when DCFS interviews your child(ren). However, you do have the right to have another trusted adult present with your child(ren) when the investigator interviews them.



It is usually okay to allow the DCFS investigator to meet with your child(ren). If you decide not to let the investigator meet with your child(ren), the investigator will probably try to meet with them at their school or the investigator may ask a judge for a court order requiring you to allow DCFS to meet with your child(ren).



Safety Plans & Protective Custody

Safety Plans

If the investigator decides that your children are not safe, they may ask you to agree to a “safety plan.” A safety plan may require you to leave your home or only be with your children when there is another adult present.

If DCFS decides that a safety plan is necessary, they must give you written documentation of the details of the safety plan and the circumstances that must be present for the safety plan to end. Safety plans are technically voluntary but if you do not agree, DCFS may decide to take protective custody.

For more information on your rights and responsibilities if DCFS implements a safety plan, search “safety plan rights” at dcfs.illinois.gov.



Protective Custody

If DCFS believes that your child(ren) are in immediate danger, they may take protective custody of your child. This means that your child(ren) would be removed from your home and placed in the care of DCFS.

If DCFS takes protective custody of your child(ren), you should contact an attorney immediately. Ascend Justice does not represent parents in situations where DCFS has taken protective custody because you are entitled to a public defender or court-appointed attorney if you cannot afford one.

This guide is not intended to provide detailed information on safety plans or protective custody. If you have been asked to enter a safety plan or if DCFS has taken protective custody of your child(ren), you should contact an attorney.

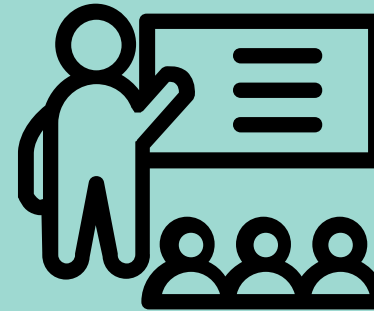


Intact Family Services

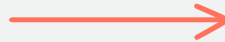
The DCFS investigator may ask you to participate in intact family services. They may call these "intact services" or just "services." Sometimes these services are helpful. Other times, participating in intact services causes more stress for a family and can be burdensome.

Examples of intact services:

- domestic violence classes
- parenting classes
- therapy or mental health services
- support or treatment for substance use
- random drug testing
- home visits



Participating in intact services is technically voluntary. DCFS cannot decide to indicate you just because you refuse to participate in services. However, refusing services may impact DCFS's assessment as to whether the child(ren) is safe.



If you decide not to participate in intact services and DCFS believes the situation is unsafe, they can refer the case to the State's Attorney, who may bring a case in juvenile court to remove the child(ren) and/or require you to participate in services. If you want to decline to participate in services, you should contact an attorney.



Your Rights During a DCFS Investigation

You have the right to talk to a lawyer before speaking with a DCFS investigator. However, you will not have a public defender or an attorney appointed by the State during a DCFS investigation.

You do NOT have the right to know who called the Hotline to report you.

You have the right to speak with DCFS and receive all written documents in your language. If you do not speak the same language as the DCFS investigator, DCFS must provide an interpreter for free.

You have the right to provide the investigator with contact information for people you believe would be supportive to your case. These are called "collateral contacts."

You have the right to give the DCFS investigator information that supports your case that you did not abuse or neglect your child(ren). This may include medical records, school records, or letters of support from people who know how you are as a parent.

You have the right to receive a copy of your investigative file. You usually have to wait until the investigation ends to get a copy of your file.

This guide provides information on your general rights if DCFS is investigating you; it is not intended to explain every right you have during DCFS investigations. For a more detailed explanation of your rights and responsibilities during a DCFS investigation, please see our complete guide at ascendjustice.org.

