

## **IBAI Fact Sheet: Family Regulation System and Public Defense in the State of Illinois**

**The Family Regulation System** exercises the most terrifying power, the power to forcibly remove children from their homes and permanently separate them from their families.

**One in every two Black children in the United States will experience a child welfare investigation before their eighteenth birthday. This is nearly double the rate of white children.<sup>1</sup>**

**Illinois lags significantly** behind other states in achieving permanence for its youth in foster care.<sup>2</sup> Reunification with parents is the preferred method for achieving permanence for children in substitute care, and it is the most common way that children exit care.<sup>3</sup> Only 22.1% of children in Illinois who had been in foster care for 12 to 13 months achieved permanency during FY2022, compared to a median of 44% across the country.<sup>4</sup>

<p>23 percent of <b>Black children</b> who age out of foster care experience homelessness and 29 percent experience incarceration, far higher rates than for non-Black youth.<sup>5</sup></p> <hr/> <p>Pregnant <b>Black women</b> are four times more likely to be screened for drug use than white women, even without any prior report of substance abuse. Similarly, a Black mother's refusal of medical care is twice as likely to be reported to child welfare services as abuse.<sup>6</sup></p>	<p>Nationally, nearly 10 percent of <b>Black children</b> will be removed from their parents and placed into foster care. This is double the rate of white children.</p> <hr/> <p>One in 41 <b>Black children</b> will have their relationship with their birth parent or parents legally terminated. This is more than double the rate of the general population.<sup>7</sup></p>	<p>The harms of taking <b>Black children</b> from their families and placing them into the foster system do not end at the moment of separation. The foster system itself is a locus of danger and trauma for children.</p> <hr/> <p>The mass removal of <b>Black children</b> from their families parallels the United States' criminal legal system's mass removal of Black men and women from their communities.<sup>8</sup></p>
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**The disproportionate impact of investigations** launched against Black families consequently leads to an inequitable amount of Black families in **child welfare courts**. Once in these courts, in Illinois many families are then appointed counsel pursuant to Section 1-5 of the Illinois Juvenile Court Act of 1987.<sup>9</sup> Research shows positive case outcomes and higher rates of family reunification in jurisdictions that include **family defenders** in their public defense office.<sup>10</sup> Jurisdictions that include **family defenders** in their public defense office include, for example, the Bronx, New York; Brooklyn, New York; Cook County, Illinois; and King County, Washington.

**The Statewide Trial-level Public Defender Office** can improve the quality of representation provided to parents in abuse-and-neglect proceedings by including **public family defenders** and **client advocates** in the creation of the Trial-level Statewide Public Defenders Office in Illinois. This is one way the State can begin to mitigate the continuous harm the Family Regulation System inflicts on Black families in Illinois.

<sup>1</sup> <https://www.childrensrights.org/news-voices/racial-discrimination-in-child-welfare-is-a-human-rights-violation-lets-talk-about-it-that-way>

<sup>2</sup> [https://cfrc.illinois.edu/pubs/bf\\_20231206\\_MonitoringPermanencyRatesForChildrenInSubstituteCareInIllinois.pdf](https://cfrc.illinois.edu/pubs/bf_20231206_MonitoringPermanencyRatesForChildrenInSubstituteCareInIllinois.pdf)

<sup>3</sup> [https://cfrc.illinois.edu/pubs/bf\\_20231206\\_MonitoringPermanencyRatesForChildrenInSubstituteCareInIllinois.pdf](https://cfrc.illinois.edu/pubs/bf_20231206_MonitoringPermanencyRatesForChildrenInSubstituteCareInIllinois.pdf)

<sup>4</sup> [https://cfrc.illinois.edu/pubs/bf\\_20231206\\_MonitoringPermanencyRatesForChildrenInSubstituteCareInIllinois.pdf](https://cfrc.illinois.edu/pubs/bf_20231206_MonitoringPermanencyRatesForChildrenInSubstituteCareInIllinois.pdf)

<sup>5</sup> <https://www.childrensrights.org/news-voices/racial-discrimination-in-child-welfare-is-a-human-rights-violation-lets-talk-about-it-that-way>

<sup>6</sup> <https://www.childrensrights.org/news-voices/racial-discrimination-in-child-welfare-is-a-human-rights-violation-lets-talk-about-it-that-way>

<sup>7</sup> <https://www.childrensrights.org/news-voices/racial-discrimination-in-child-welfare-is-a-human-rights-violation-lets-talk-about-it-that-way>

<sup>8</sup> <https://theappeal.org/black-families-matter-how-the-child-welfare-system-punishes-poor-families-of-color-33ad20e2882e/>

<sup>9</sup> 705 ILCS 405/1-5.

<sup>10</sup> Gerber, Lucas et al. "Effects of an Interdisciplinary Approach to Parental Representation in Child Welfare." *Child and Youth Services Review*. <https://cfny.org/wp-content/uploads/2021/03/Effects-of-an-interdisciplinary-approach-to-parental-representation-in-child.pdf>