

ADMINISTRATIVE PROCEDURE # 21
Providing Assistance and Advocating for Children and Families
March 16, 2023 – PT 2023.02

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Section 21.1 Purpose

The purpose of this Administrative Procedure is to establish policies for receiving, processing, researching, and resolving concerns presented by anyone with an interest in child welfare in Illinois.

Section 21.2 Definitions

“Advocacy” - Advocacy is to speak on behalf of another. The Advocacy Office for Children and Families (AOCF) advocates for the best interests of children and may act as an intermediary for those who contact the office in interacting with the Department or its agents.

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““Advocacy Office” means The Advocacy Office for Children and Families of the Department of Children and Family Services.

“Department” means the Department of Children and Family Services

“Legitimate” for purpose of this procedure means the issue of the complaint is real and is related to issues that the Advocacy Office can research because it relates to services provided by the Department or its contracted agencies.

Section 21.3 Advocacy Office for Children and Families

The Advocacy Office for Children and Families (AOCF) was established within the Director’s Office to receive and respond to concerns presented to the Department of Children and Family Services (DCFS) regarding the child welfare system in Illinois. AOCF shall also handle inquiries and other duties as assigned by the Director in advocating for the well being of children who are under the responsibility of the Department (20 ILCS 505/5d), including requests for U Visa. (See Appendix A)

Section 21.4 Advocacy Office Statewide Toll-Free Phone Number

The statewide toll-free number for the Advocacy Office operates Monday through Friday from 8:30 a.m. to 5:00 p.m. This toll-free number shall be included in all appropriate notices and handbooks regarding services available through the Department.

The Advocacy Office Toll-free number is: **1-800-232-3798**

a) What the Advocacy Office Does Not Accept

The Advocacy Office does not research concerns about:

- 1) Actions that do not involve the Department or the agencies with whom the Department contracts for services
- 2) Decisions made by Courts or Judges
- 3) Agencies of the federal government
- 4) Child abuse or neglect
- 5) Other governmental state agencies

b) Confidentiality

The Advocacy Office follows Department rules concerning confidentiality of information as outlined in **Part 431, Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services.**

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c) Access to Records

The Advocacy Office shall have access to all information and personnel necessary to perform the duties of the office. All Department and private agency employees, foster parents and owners, operators and employees of licensed child care facilities shall cooperate with the Advocacy Office. Cooperation includes, but is not limited to:

- 1) permitting full access to, and production of, information and records. Information and records can be shared with the Advocacy Office without violating confidentiality provisions;
- 2) fair and honest disclosure of documents and information reasonably requested by the Advocacy Office in the performance of its duties;
- 3) management encouraging employees to fully comply with reasonable requests of the Advocacy Office in the performance of its duties;
- 4) management prohibiting retaliation against employees for providing information or records or complaining to the Advocacy Office;
- 5) management being prohibited from requiring employees to seek supervisory approval prior to filing a complaint with, or providing information or records to, the Advocacy Office;
- 6) employees providing complete and truthful answers to questions; and employees not willfully interfering or obstructing the Advocacy Office investigation;
- 7) the Department and its agents prohibiting retaliation against anyone who requests the intervention of the Advocacy Office.

d) Response Time

The Advocacy Office shall attempt to respond to all concerns within two working days of documenting the concerns and shall make a final report to the person initiating contact regarding the resolution, as appropriate.

e) Ongoing Report

The Advocacy Office shall attempt to complete cases within 30 days of receipt. If the case is ongoing, the Advocate shall give a status report by telephone to the complainant every 30 days

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f) Documentation (Filing)

All issues and resolutions shall be documented and kept on file for three years.

g) Issue Resolution

The Advocacy Office takes the concerns of all complainants seriously and will research and advocate on behalf of the caller accordingly.

Advocates will first determine if the complainant has tried to resolve the issue with the DCFS or private agency caseworker and caseworker supervisor. If the caller has not tried to resolve the issues with the caseworker and caseworker supervisor, Advocates will encourage them to do so and refer them to the appropriate person for resolution. If they have tried unsuccessfully to resolve their issues, the Advocate shall assist in seeking a resolution.

The objective is a satisfactory resolution of an issue that is in the best interest of the child.

h) Respect for Our Callers

The Advocacy Office will treat every complainant with dignity and respect.

Section 21.5 Receiving and Processing Complaints

Advocacy Office staff function as Advocates on behalf of the best interest of the child, providing assistance in seeking resolution to a problem when the caller has not been able, or does not know how, to find a satisfactory resolution.

a) Accepting a Complaint

The Advocacy Office will receive concerns by phone, electronic mail, letters, or in person.

The Advocacy Office shall accept calls or other contacts from anyone with an interest in child welfare in Illinois.

Anyone can call the AOCF and speak with an Advocate. The Advocacy Office has a statewide toll-free number that may be used to present issues or obtain information about child welfare services from DCFS or its agents. When Advocates are unavailable, receptionists will take messages and forward them to the appropriate AOCF staff.

Advocates first must determine if the claim is “legitimate.” If the claim is not legitimate, Advocacy Office staff shall try to mediate for a better working relationship. If the claim is legitimate, it is Advocacy Office’s responsibility to determine what is hindering a solution to the problem and to seek resolution.

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b) Respond to Director’s Office Correspondence

Director’s correspondence concerning service delivery is referred to the Advocacy Office and assigned to an Advocate who shall attempt to contact the correspondent by telephone within two working days. The Advocate will determine if the issue is legitimate and seek resolution. Responses to the writer will be handled by telephone when possible. Letters to the Director are handled on a priority basis.

c) Email

The Advocacy Office receives e-mails, some directly and most forwarded from various sources. Only very general information can be shared in an e-mail response. The Advocacy Office asks e-mail correspondents to provide a phone number or mailing address for contact.

d) Governor’s Office Correspondence Concerning DCFS Service Delivery

Letters forwarded to the Department from the Governor’s Office concerning child welfare are referred to the Advocacy Office. These letters are handled on a priority basis, requiring the Advocacy Office to attempt to contact the correspondent by telephone within two working days after receiving the letter. The Advocacy Office shall make the appropriate contacts to ensure that there is a resolution to the issue presented and shall inform the Governor’s Office of Citizen’s Assistance of actions taken.

e) Research Issues Presented by Legislators

The Advocacy Office and the Department’s Legislative Liaison Office coordinate efforts in order to address issues that are presented by legislators.

f) Receive and Track Employee Unusual Incident Reports

An Advocacy Office supervisor is responsible for receiving and tracking any employee-submitted Unusual Incident Reports that do not involve a ward. It is the Advocacy Office’s responsibility to enter this information and complete a disposition ensuring that responsible actions have been taken.

g) Diligent Search Requests

Agencies call the Advocacy Office in an attempt to locate parents or family members of children in the system in order to proceed with adoptions (terminating parental rights). Advocates use Department databases to locate these parents or family members for the agency requesting the information.

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h) Adoption Attorney Panel List

When the Advocacy Office receives a call requesting information about an adoption attorney, the Advocate gives the caller a website address that contains the Adoption Attorney Panel List. If the caller does not have access to a computer, the Advocate will print the Adoption Attorney Panel List and mail it to the caller. Attorneys who call requesting to be listed on the Adoption Attorney Panel List are referred to the Office of Legal Services.

i) Parental Inquiry Requests

Parents contact the Advocacy Office to determine if their child/children are in the system. Advocates will check Department databases to determine this. If the child is in the custody of the Department, Advocates refer the parent to the county and court that took custody of the child. If the Department has no legal relationship with the child, Advocates will relay this information to the parent. If the child has been adopted, Advocates will refer parents to the Midwest Adoption Center. A record of these inquiries is retained for Diligent Search requests.

j) License Renewal Requests

When an Advocate receives a license renewal request, he/she fills out a Foster Home License Renewal Inquiry form. This form asks such information as: caller's name, address, phone number, provider identification number, licensing agency, whether or not the caller received a renewal packet from his or her licensing representative, and the caller's message or problem. These renewal requests are picked up by a representative of the Central Office of Licensing on a daily basis and are then processed.

k) Spanish Interpretation Requests

The Advocacy Office ensures that language is not a barrier to services by providing Spanish-speaking advocates. The Advocacy Office also maintains Spanish voice mail in case the Spanish speaking staff is not available.

l) Youth Hotline

The Youth Hotline has its own number. This line is answered by Advocates and is marketed to Illinois youth under Department jurisdiction to handle complaints, concerns, and inquires specific to this population.

The Youth Hotline number is a toll-free number and is available statewide. It operates Monday through Friday from 8:30 a.m. to 5:00 p.m. The Youth Hotline number is:

1- 866-459-6884 or 866-ILYOUTH

Advocates shall attempt to contact youth calling the Youth Hotline within 24 hours.

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m) Foster Care Waivers

The DCFS Director can grant waivers to certain policy requirements. Caseworkers and others may contact the Advocacy Office to request policy waivers. A common request is to expand the capacity of a foster home to care for more children than Department policy allows. The Advocacy Office gathers all pertinent information related to such requests and presents it to the Director's Office for a decision.

n) T.D.D.

To ensure that hearing impaired clients experience no barriers, the Advocacy Office maintains a Telephone Device for the Deaf. The line operates Monday through Friday from 8:30 a.m. to 5:00 p.m. Messages are automatically taken after hours. The number of the T.D.D. is **217/524-3715**.

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Appendix A – U Nonimmigrant Status Certification (U Visa)

a) Purpose

To set forth procedures for certifying, under limited circumstances, requests for a U Visa. These procedures are in compliance with the Voices of Immigrant Communities Empowering Survivors (VOICES) Act and Title 8 of the United States Code and provide information and instructions regarding the U Visa process.

b) Definitions

“Certification form” means a United States Citizenship and Immigration Services Form I-918, Supplement B, or any successor form for purposes of obtaining a U Visa or by Section 1184(o) of Title 8 of the United States Code. [5 ILCS 825/5]

“Certifying agency” means a Federal, State, or local law enforcement agency, prosecutor, judge, or other authority, that has responsibility for the investigation or prosecution of a qualifying crime or criminal activity. This definition includes agencies that have criminal investigative jurisdiction in their respective areas of expertise, including, but not limited to, child protective services, the Equal Employment Opportunity Commission, and the Department of Labor. [8 C.F.R 214.14(a)(2)] For the purpose of this policy, certifying agency means DCFS.

“Certifying official” means the head of the certifying agency, or any person(s) in a supervisory role who has been specifically designated by the head of the certifying agency to issue U nonimmigrant status certifications on behalf of that agency. [8 C.F.R 214.14(a)(3)]. For DCFS purposes, this is the Director or the Director’s U Visa designee.

“Investigation” means an investigation of child abuse or neglect.

“Qualifying criminal activity” means any activity, regardless of the stage of detection, investigation, or prosecution, designated in Section 1101(a)(15)(U)(iii) of Title 8 of the United States Code, any implementing federal regulations, supplementary information, guidance, and instructions. [5 ILCS 825/5]

“Victim of qualifying criminal activity” means a person described in Section 1101(a)(15)(U)(i)(I) of Title 8 of the United States Code, in the definition of “victim of a severe form of trafficking” in Section 7102(14) of Title 22 of the United States Code, or in any implementing federal regulations, supplementary information, guidance, and instructions. [5 ILCS 825/5]

c) Eligibility Requirements

In the context of child protective services, a U Visa may strengthen the Illinois Department of Children and Family Services’ (DCFS) ability to effectively investigate and protect victims of abuse and neglect involving non-citizen children or family members.

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To be eligible for DCFS to certify a U Visa request, the petitioner or petitioner's family member:

- *Has suffered substantial physical or mental abuse as a result of having been a victim of criminal activity;*
- *Possesses information concerning criminal activity;*
- *Has been helpful, is being helpful, or is likely to be helpful to a Federal, State, or local law enforcement official, or local authorities investigating or prosecuting criminal activity; and*
- *The criminal activity violated the law of the United States or occurred in the United States. [8 U.S.C 1101(a)(15)(U)(I-IV)]*

A petitioner who believes they have been a victim of a qualifying criminal activity, and who is a subject of a DCFS investigation that also concerns that alleged criminal activity, may submit a request for a U Visa certification.

d) Certification

1) Certifying Agency

As the investigating entity of child protective matters, DCFS qualifies as a U Visa certifying agency pursuant to federal law. The designated certifying official may sign U Visa certification forms. A U Visa certification serves as a statement by DCFS that the petitioner was/is/or may be the victim of a qualifying crime, possesses information about a qualifying crime, and is being helpful, has been helpful, or is likely to be helpful to DCFS in the detection or investigation, of a qualifying crime. Completion of a U Visa certification shall not be construed to guarantee that the petitioner will receive federal immigration relief, as it is the full responsibility of federal immigration officials to determine whether a person is eligible for a U Visa.

- A) DCFS shall return the completed certification form to the petitioner or petitioner's representative within the prescribed timeline outlined in section (e) of this procedure.
- B) Completion of a certification form by DCFS only verifies factual information to determine eligibility for a U Visa. By completing a certification form, the certifying official attests that the information is true and correct to the best of their knowledge.

Signing the certification form does not indicate that DCFS supports the petitioner's request for federal immigration relief.

- C) DCFS reserves the right to notify the United States Citizenship and Immigration Services (USCIS) if the petitioner fails to meet their ongoing responsibility to cooperate with DCFS.

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- D) If the certifying official determines after completion of a certification form that the petitioner was not the victim of a qualifying criminal activity or unreasonably refuses to assist in the investigation of said activity of which they are a victim, the USCIS may be notified in writing.

2) Completing Form I-918, Supplement B, U Nonimmigrant Status Certification

The petitioner and the certifying official shall complete the following:

- Petitioner shall complete Part 1; and
- The certifying official shall complete Part 2, 3, 4, 5, 6 and 7 if needed.

Upon receipt of a U Visa certification request, the certifying official shall conduct a factual inquiry to determine if a U Visa certification is appropriate. This inquiry may include the following:

- Confirmation that DCFS is or has conducted a child protection investigation related to the petitioner;
- A review of the original investigation;
- Confirmation that the petitioner cooperated in the investigation; and
- Outcome of the investigation.

If the certifying official determines that the petitioner meets all the requirements listed herein, the certifying official shall complete the Form I-918, Supplement B, U Nonimmigrant Status Certification.

The length of time between a DCFS investigation and the request for the U Visa certification shall not preclude certification as long as the certifying official can conduct the factual inquiry and determine that the individual is a victim of a qualifying criminal activity.

Note: An investigation of child abuse or neglect need not result in criminal charges being filed or prosecuted for certification.

3) Certification Requests

All requests for a U Visa certification and status inquiries must be submitted to the U Visa Mailbox at DCFS.Uvisa@illinois.gov or to the following address:

DCFS U Visa Unit
406 E. Monroe Street, Station 10
Springfield, IL. 62701

Note: DCFS employees who receive a request for certification to obtain a U Visa and all related documents must notify their immediate supervisors as soon as possible and forward the request to DCFS.Uvisa@illinois.gov within three (3) days of receipt. All documentation shall be kept confidential.

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4) Recertifications

A certifying official who issued an initial certification form shall complete and reissue a certification form within 90 business days of receiving a request from a victim to reissue. If the victim seeking recertification has a deadline to respond to a request for evidence from United States Citizenship and Immigration Services, the certifying official shall complete and issue the form no later than 21 business days after the request is received by the certifying official.

Requests for expedited recertification shall be affirmatively raised by the victim or victim's representative in writing and shall establish that the victim is eligible for expedited review. A certifying official may extend the deadline by which he or she will complete and reissue the certification form only upon written agreement with the victim or victim's representative. [5 ILCS 825/10]

e) Timelines

To protect eligible petitioners from deportation, the certifying official shall issue or deny a certification **within 90 business days** from the date that the certifying official receives the certification request, unless one of the following applies pursuant to the Illinois Voices Act [5 ILCS 825/10]:

- 1) *If the person making the request for completion of the certification form is in federal immigration removal proceedings or detained, the certifying official shall complete and provide the certification form to the person **no later than 21 business days after the request is received** by the certifying agency;*
- 2) *If the children, parents, or siblings of the person making the request for completion of the certification form would become ineligible for benefits under Sections 1184 (p) and 1184 (o) of Title 8 of the United States Code by virtue of:*
 - *the person's children having reached the age of 21 years,*
 - *the person having reached the age of 21 years, or*
 - *the person's sibling having reached the age of 18 years within 90 business days from the date that the certifying official receives the certification request, the certifying official shall complete and provide the certification form to the person no later than 21 business days after the request is received by the certifying agency;*
- 3) *If the person's children, parents, or siblings under paragraph (2) of this subsection (e) would become ineligible for benefits under Sections 1184 (p) and 1184 (o) of Title 8 of the United States Code in less than 21 business days of receipt of the certification request, the certifying official shall complete and provide a certification form to the person within 5 business days; or*

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- 4) *A certifying official may extend the time period by which it must complete and provide the certification form to the person as required under this subsection (e) only upon written agreement with the person or person's representative. [5 ILCS 825/10]*

If the certifying official determines that Part 1 of the certification form is incomplete, the certifying official may contact the petitioner or the petitioner's representative to obtain the missing information. If the form must be returned for additional information, the time shall not count against the time for the certifying agency to complete the certification.

- 5) If there are additional family members, the petitioner shall submit Form I-918 Supplement A, Petition for Qualifying Family Member of U-1 Recipient fully completed for each family member.
- 6) *Requests for expedited completion of a certification form under paragraphs (1-3) and (5) of this subsection (e) shall be affirmatively raised by the person or that person's representative in writing to the certifying agency and shall establish that the person is eligible for expedited review. [5 ILCS 825/10]*

f) Denials and Appeals

1) **Denials**

If the certifying official does not determine that the requester is a victim of a qualifying criminal activity, the certifying official shall provide written notice to the person or the person's representative explaining why the available evidence does not support a finding that the person is a victim of qualifying criminal activity. The certifying official shall submit the notice to the address provided in the request and shall provide contact information should the requester desire to appeal the decision. The certifying agency or certifying official shall accept all appeals and must respond to the appeals within 30 business days. [5 ILCS 825/11].

2) **Request for Appeal**

A petitioner must make a request for an appeal in writing and shall be submitted to the DCFS.Uvisa@illinois.gov or to:

DCFS U Visa Unit
406 E. Monroe Street, Station 10
Springfield, IL. 62701

All appeals must include the following:

- Name;
- Address; and
- Statement of the intent to appeal.

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The petitioner shall also submit a general statement of the issues appealed and a brief written summary stating his or her position regarding the Department's decision and may include additional information for the Department to consider as to why the Department should change its decision.

3) Response to Appeal

The certifying agency or certifying official shall accept all appeals and must respond to the appeals within 30 business days. [5 ILCS 825/11]

4) Appeal by the circuit court without an administrative appeal

Notwithstanding subsection (a) [of the VOICES ACT], no requester is required to file an administrative appeal or otherwise exhaust administrative remedies with a certifying official or agency under subsection (a) before filing a mandamus action or seeking other equitable relief in circuit court for a completed certification form required under Section 10. [5 ILCS 825/11]

g) Immunity

A certifying agency or certifying official acting or failing to act in good faith in compliance with this Act shall have immunity from civil or criminal liability that might otherwise occur as a result of so acting or failing to act, with the exception of willful or wanton misconduct. Any action brought to seek enforcement of this Act shall be ineligible to seek attorney's fees and costs, unless the action demonstrates willful or wanton misconduct by a certifying agency or certifying official. [5 ILCS 825/15]

h) Confidentiality

It is the policy of DCFS not to inquire into the immigration status of families we serve. DCFS will not disclose the immigration status of a petitioner or person requesting the certification form, except to comply with state or federal laws.

i) Resources

For additional information about U Visas, including the forms needed and a list of qualifying criminal activities visit the USCIS website at www.uscis.gov.