

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, COUNTY DIVISION**

<b>HOPE HILL et al., by and through their next friend, LESLIE JONES, on their own behalf and on behalf of all others similarly situated,</b>	)	
	)	
	)	
<b>Plaintiffs,</b>	)	<b>Case No. 88 CO 296</b>
	)	<b>Judge Patrick A. McGann</b>
<b>v.</b>	)	<b>Presiding Judge, Courtroom 1703</b>
	)	
<b>JAMES ERICKSON, Director, Chicago-Read Henry Horner Children’s Center et al.,</b>	)	
	)	
	)	
<b>Defendants.</b>	)	

**NOTICE TO PLAINTIFF CLASS MEMBERS CONCERNING THE  
RESOLUTION OF CERTAIN ISSUES IN THE LITIGATION**

**I. INTRODUCTION**

If you are in the legal custody or guardianship of the Department of Children and Family Services (“DCFS) and are pregnant or a parent, your rights may be affected by a proposed Court order in the case *Hill v. Erickson*. You are receiving this Notice because you may be a member of the plaintiff class in this case. **Please read this Notice carefully.**

In 1988, a lawsuit was filed on behalf of all pregnant and parenting minors in the legal custody of DCFS, or under the guardianship of DCFS (the “*Hill Class Members*”), against the DCFS Director and the Director of the Illinois Department of Mental Health and Developmental Disabilities (the “*Defendants*”). The lawsuit alleged that the state and federal constitutional and statutory rights of pregnant and parenting wards were violated by DCFS’ systemic failure to provide services and placements adequate and appropriate to meet the needs of the *Hill Class Members*.. On June 2, 1989, the Court certified this case as a class action, which means that any decisions in the case would apply to all *Hill Class Members*.

In 1994, the lawsuit was settled with the entry of a consent decree. The *Hill Consent Decree* requires DCFS, among other things to: (1) engage in a process for making adjustments in placements and services tailored specifically to meet the needs of pregnant and parenting teens; (2) hire a full-time DCFS Teen Parent Coordinator; (3) contract with a Teen Parent Consultant (for at least a minimum time period); (4) create a system to identify *Hill Class Members* and assign *Hill Class Members*’ cases to case managers and case workers with expertise in the needs of pregnant or parenting teens; and (5) assess the needs of *Hill Class Members* and ensure appropriate and adequate placements and services to *Hill Class Members* on an ongoing basis, focusing on the needs of *Hill Class Members* as pregnant or parenting teens.

In June 2009, DCFS announced that due to a statewide budget crisis, numerous programs and services to wards, including *Hill Class Members*, could not be funded. On June 30, 2009, Plaintiffs filed Plaintiff Teen Class Members’ Motion for a Temporary Restraining Order and

Injunctive Relief to Enforce Compliance with Terms of the *Hill* Consent Decree (the “Motion”). The Motion sought a court order to require the DCFS Director to maintain the full array of special services, placements, and programs provided to *Hill* Class Members under the *Hill* Consent Decree and to require that DCFS provide full information to the Teen Parent Consultant and confer with the Consultant and with *Hill* Class Counsel before cutting or altering any services for *Hill* Class Members. As a result of litigation, DCFS then announced that it would not institute threatened cuts and would continue to provide services and placements to DCFS wards, including the specialized services provided to *Hill* Class Members.

On December 4, 2009, Plaintiffs’ Motion was settled by agreement among the parties to have the Court enter a Supplement to the *Hill* Consent Decree. This Notice describes the proposed settlement and explains how *Hill* Class Members can object to the settlement.

### ***HILL* CLASS MEMBERS SHOULD READ THIS NOTICE CAREFULLY**

## **II. THE TERMS OF THE SETTLEMENT**

The parties intend, through this settlement, to create full transparency regarding DCFS’ efforts to comply with the *Hill* Consent Decree and to ensure that appropriate services, programs and placements are developed for the benefit of all *Hill* Class Members throughout the State.

The settlement provides that the *Hill* Consent Decree shall remain in full force and effect and the following additional obligations will be imposed:

- Mary Sue Morsch, who is experienced in creating and evaluating specialized programming for teens, will be appointed as the Teen Parent Consultant for a period not to exceed five years commencing January 1, 2010.
- As the Teen Parent Consultant, Ms Morsch, shall assist DCFS in the development of programs and services for pregnant and parenting wards as required under the *Hill* Consent Decree. In addition, Ms. Morsch shall perform a comprehensive study evaluating whether *Hill* Class Members are receiving adequate placements and services consistent with the *Hill* Consent Decree. Ms. Morsch shall make recommendations based on the results of the study regarding additional services, changes or adjustments that are required to serve the *Hill* Class Members under the terms of the *Hill* Consent Decree. This study shall be submitted to DCFS and *Hill* Class Counsel no later than January 1, 2015.
- DCFS shall provide Ms. Morsch, Teen Parent Consultant, with any and all information she may reasonably seek regarding or affecting the *Hill* Class Members, delivery of services of any kind to the *Hill* Class Members, placements, budget, accounting data, systems, rules and procedure and implementation efforts concerning *Hill* Class Members. DCFS shall also provide Ms. Morsch and *Hill* Class Counsel with monthly reports, including twelve separate categories of specific information, including, names and contact information of all *Hill* Class Members, services provided to those *Hill* Class Members, and budgetary information that affects services and placements to *Hill* Class Members, internal reports and analyses, and tracking of financial disbursements for programming and services affecting *Hill* Class Members.

- The DCFS Director or his designee shall provide advance notice to *Hill* Class Counsel regarding proposed or pending changes to programming, rules, policies, protocols, regulations, programming descriptions or any other information as necessary that may affect *Hill* Class Members and to negotiate in good faith with *Hill* Class Counsel regarding implementation of such programming.
- Ms. Morsch and Hill Class Counsel shall meet at least quarterly with key DCFS staff members implementing and overseeing services to Class Members and be provided prompt access to the DCFS Director regarding issues or programming affecting Hill Class Members
- The Teen Parent Coordinator must promptly respond to any individual *Hill* Class Member need identified by Ms. Morsch and collect and provide any required information to Ms. Morsch.
- Ms. Morsch, the Teen Parent Consultant, must make available to *Hill* Class Counsel any information which is gathered independently of DCFS and communicate at least monthly with the DCFS Director and Hill Class Counsel regarding implementation, programming and operations related to the Hill Consent Decree.
- The Supplement to the *Hill* Consent Decree will be entered by the Court as an Order and Plaintiffs will voluntarily dismiss the claims raised in their June 30, 2009 Motion.
- A fairness hearing shall be scheduled and conducted in 2018 regarding the appropriateness of termination of the Hill Consent Decree.

### **III. THE ATTORNEYS REPRESENTING THE PLAINTIFF CLASS**

The attorneys who represent the Plaintiff Class Members are:

LAURENE HEYBACH  
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 the Homeless  
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### **IV. DATES FOR THE FAIRNESS HEARING AND HOW TO OBJECT TO THE PROPOSED SETTLEMENT**

The Honorable Patrick McGann will hold a fairness hearing on Thursday, March 18, 2010, at 10:30 a.m., in Courtroom 1703 of the Richard J. Daley Center, 50 West Washington Street, Chicago, Illinois 60601. The Richard J. Daley Center is located between Randolph Street, Washington Street, Dearborn Street, and Clark Street in downtown Chicago. At this hearing, Judge McGann will decide whether the proposed settlement is fair, reasonable, and adequate and whether to finally approve the settlement agreement. Prior to any decision

regarding final approval of the settlement, Judge McGann will consider any objections from *Hill* Class Members to the settlement.

*Hill* Class Members may object to the settlement and Supplement to the *Hill* Consent Decree. In order to object to the settlement and Supplement to the *Hill* Consent Decree, you or your lawyer must send a letter or written objection to Laurene Heybach or David E. Grassmick, attorneys for the *Hill* Class Members listed above. The objection should include the name and number of the case, a clear statement of each objection you have and a summary of the basis for that objection and an indication of whether you or a representative will appear at the fairness hearing to talk about your objections with the Court. If you wish to request that you be excluded from the Class, please state that in the letter and state your reasons why. If you are unable to communicate in that manner or need any assistance due to a disability, please contact Laurene Heybach or David E. Grassmick by phone or email for further assistance.

**Any objections regarding the settlement and Supplement to the *Hill* Consent Decree or any requests to be excluded from the Plaintiff Class must be mailed or postmarked by March 2, 2010.** *Hill* Class Counsel will provide copies of any objections and requests to the Court and to counsel for the DCFS Director.

*Hill* Class Members and objectors are not required to attend the fairness hearing in person. Class Counsel for the *Hill* Class Members will address any questions or concerns Judge McGann may have at the fairness hearing and those questions may be based on any objections filed by *Hill* Class Members or any other factor or factors the Court deems relevant. *Hill* Class Members are welcome to attend the fairness hearing; however, only those *Hill* Class Members or lawyers who filed timely, written objections will be permitted to speak at the hearing.

## **V. GETTING MORE INFORMATION ABOUT THE SETTLEMENT**

This notice only summarizes the settlement and the Supplement to the *Hill* Consent Decree. Any *Hill* Class Member who wishes to find out more about the *Hill* Consent Decree, the settlement, and the Supplement to the *Hill* Consent Decree may go to the following website [www.chicagohomeless.org](http://www.chicagohomeless.org), or contact *Hill* Class Counsel or review the Court filings at the Circuit Court Clerk's office, located in the Richard J. Daley Center. **Neither *Hill* Class Members nor their attorneys should contact the Court directly about the *Hill* case, the settlement or the Supplement to the *Hill* Consent Decree.**