



# Office of the City Clerk

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## Legislation Text

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**File #:** R2018-1237, **Version:** 1

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### Committee on License and Consumer Protection RESOLUTION

WHEREAS, the City of Chicago is a home rule unit of government pursuant to the 1970 Illinois Constitution, Article VII, Section 6(a); and

WHEREAS, pursuant to its home rule power, the City of Chicago may exercise any power and perform any function relating to its government and affairs including the power to regulate for the protection of the public health, safety, morals and welfare; and

WHEREAS, the City has no greater duty than to protect and ensure the well-being of its children; and

WHEREAS, in June of 2018, ProPublica Illinois published a report on the Illinois Department of Children and Family Services' (DCFS) failure to find appropriate foster homes or residential treatment centers for hundreds of children languishing in psychiatric hospitals after being cleared for release; and

WHEREAS, ProPublica Illinois also found that DCFS is investigating 16 allegations of abuse and neglect at the Aurora Chicago Lakeshore Hospital (Lakeshore) in the City's Uptown community, which include allegations that children were raped and sexually abused by staff and other patients, physically assaulted and inadequately supervised; and

WHEREAS, the investigations alarmed DCFS Acting Inspector General Meryl Paniak who sent a confidential memo to DCFS Acting Director Beverly Walker to take action, stating that there were "significant concerns for the care and safety of the children" and directing that an independent expert conduct a comprehensive review of the treatment and mental health services at Lakeshore; and

WHEREAS, among the reported incidents were children who remained, despite being cleared for discharge from Lakeshore weeks or months earlier, because DCFS failed to find them a placement; and

WHEREAS, a twelve-year-old boy who had allegedly sexually assaulted a seven-year-old girl at Lakeshore in September 2018 had been admitted to the hospital in June and was cleared for discharge three weeks later, but remained at the hospital for nearly four more months because DCFS could not find him an appropriate placement; and

WHEREAS, the alleged sexual assault occurred during the prolonged stay of both the twelve-year-old and the seven-year-old; and

WHEREAS, other reported incidents at Lakeshore included a seven-year-old girl and a twelve-year-old girl accusing a male staff member of touching them inappropriately by kissing and assaulting them with his finger; a twelve-year-old girl accusing a male counselor of touching her breast; a fifteen-year-old patient complaining that the same worker made her uncomfortable by making sexually suggestive comments; the mother of an eight-year-old boy calling the hotline to

allege her son was battered by peers, touched sexually and exposed to two masturbating roommates during the five days he was hospitalized; a seventeen-year-old patient accusing two staff members of physically assaulting her; and a fourteen-year-old patient reporting repeated sexual abuse by a female nurse who showed her pornography; and

WHEREAS, DCFS relies on Lakeshore to treat children in need of psychiatric hospitalization and last year approximately 1,100 children and adolescent patients were treated at the hospital with Medicaid payments; and

WHEREAS, Lakeshore is a private psychiatric hospital that employs more than 400 staff members and serves approximately 5,000 patients each year, including children since it opened a separate 60-bed unit about two blocks away from the main building in 2013; and.

WHEREAS, DCFS does not have the authority to regulate private psychiatric hospitals like Lakeshore which are inspected, licensed and certified by state and federal health officials, but the agency is mandated with investigating complaints made to Illinois' child abuse hotline; and

WHEREAS, according to the special assistant to Walker, Neil Skene, Lakeshore typically sees more children from DCFS than any other hospital in the area because it accepts children with the "highest needs and most volatile behaviors unlike other hospitals;" and

WHEREAS, in addition to the DCFS investigation, the Illinois Department of Public Health (IDPH) has conducted a series of inspections on behalf of federal authorities since July that uncovered incidents where Lakeshore failed to ensure the safety of suicidal patients, obtain consent before giving patients powerful medications and sufficiently monitor patients; and

WHEREAS, federal authorities have stated that they will cut off Medicaid and Medicare payments by November 30, 2018 if Lakeshore does not implement immediate changes; and

WHEREAS, the CEO of Lakeshore, David Fletcher-Janzen, declined to answer questions about the specific allegations but released a statement saying, "Chicago Lakeshore Hospital takes every allegation of impropriety very seriously and files reports immediately. All allegations, regardless of probability, are reported to maintain a high level of caution and transparency. Our goal is to improve the lives of these young patients so they can grow to be healthy adults both physically and mentally;" and

WHEREAS, the American Civil Liberties Union of Illinois (ACLU) which monitors DCFS as part of a federal consent decree, has requested additional information from DCFS about the conditions at Lakeshore; and

WHEREAS, an ACLU attorney, Claire Stewart, wants an independent review of Lakeshore stating, "We will do what we need to do to protect the youth in care. This is an immediate safety concern and priority;" and

WHEREAS, the Cook County Acting Public Guardian Charles Golbert said that the children would be better served by an independent review of Lakeshore instead of separate investigations

done by state and federal agencies since DCFS cannot be objective because it relies on Lakeshore to care for so many children with few options for psychiatric treatment; and WHEREAS, on November 5, 2018, DCFS agreed to a full, independent assessment involving children placed in its care at Lakeshore; and

WHEREAS, DCFS also agreed to place a hold on sending children to Lakeshore, but reiterated that it wanted a review of the facility to be limited to only 16 allegations of abuse or neglect that occurred since January of 2018; and

WHEREAS, DCFS and the ACLU said that they were working together to name a reviewer and determine the scope of the investigation; and

WHEREAS, since January of 2018, DCFS has sent 241 children to Lakeshore and as of November 2, 2018, eighteen (18) of those children remained at the hospital, including two beyond their release dates; and

WHEREAS, although the facility and allegations at issue fall within the purview of several local and federal agencies beyond the City, that same facility and horrific allegations fall within the City's boundaries; and

WHEREAS, as such, the City cannot ignore these allegations as "someone else's" matter to resolve; and

WHEREAS, in the aftermath of these allegations and other recent instances, including claims of abuse in the City's schools, and in shelters housing migrant children, we are called up on to carefully examine the recourse, aid, and oversight that the City can offer to prevent and address abuse within institutions located in, and licensed by, this City; now, therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

That the Department of Business Affairs and Consumer Protection appear before members of the Committee on License and Consumer Protection to address the status of the Aurora Chicago Lakeshore Hospital's license to conduct a business as a hospital to treat children with psychiatric needs.

BE IT FURTHER RESOLVED: <sup>1</sup>

That the Cook County acting public guardian, the City's Department of Public Health, and Department of Law are invited to appear before the members of this council to discuss the proposal for an independent investigation as well as the potential for intergovernmental cooperation in addressing abuse allegations by students and child patients within the City of Chicago

Edward M. Burke Alderman, 14<sup>h</sup> Ward  
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