

**PSYCHIATRIC HOSPITALIZATIONS,
LOCKOUTS,
and
DCFS:
Questions and Answers**

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INTRODUCTION

What happens if your child is ready for discharge from an Illinois psychiatric hospital or residential treatment facility, but you are unable or unwilling to accept your child due to the severity of his or her behaviors and mental health issues? Specifically, what happens if you are unable to manage your child at home or if your child is at risk to harm himself/herself or others when he/she is discharged? What can you do?

This type of situation, when you refuse to pick up your child from an Illinois psychiatric hospital or residential treatment facility once your child is ready for discharge, is called a “lockout.” This handout addresses what steps you, the parent of a mentally ill child, need to take in order to comply with Illinois law¹.

LOCKOUT PROCEDURES

What is a “lockout?”

A lockout is a situation in which a youth’s parent refuses to allow him/her to return home upon discharge from a psychiatric hospital or residential treatment facility, or a situation in which a parent refuses to pick up the child from a facility, and has refused or failed to make provisions for an alternative living arrangement.

Will the local psychiatric hospital or residential treatment facility try to convince me not to lockout my child?

Yes. According to the Working Psychiatric Lockout Proposal by the Illinois Department of Human Services, at least one staffing will be held, which will include staff from the CCBYS² agency, DCFS, and hospital staff, to prevent the lockout from occurring by hooking up the family with services in the area in which they reside.

¹ Although the information contained herein is considered accurate, it is not nor should it be construed to be legal advice. If you have an individual problem or incident that involves a lockout situation, please seek a legal opinion that is based on the facts of your particular case.

² Comprehensive Community Based Youth Service Agency.

What happens next - if I refuse to allow my child to return home and my child meets the legal criteria for discharge from the psychiatric hospital or residential treatment facility?

The psychiatric hospital or residential treatment facility will call the local police department once the child meets the discharge criteria. Then, the local police department must take limited custody of the child.

What is limited custody?

Limited custody means the local police department can take “nonsecure” custody of the child for a maximum of six (6) hours from the time of the police department’s initial contact with the child. In other words, this is not an “arrest.”

What happens after the local police department has limited custody of my child?

The local police department must inform the child of the reasons for limited custody, and must make a prompt, reasonable effort to inform the child’s parent(s) that the child has been taken into limited custody and provide the parent(s) with the location of the child. The police department must also make a “good faith effort” to return the child to his/her parent.

What does the local police department do with a child who is in limited custody if I will not permit my child to return home?

The local police department takes the child, or makes arrangements for transporting the child, to an agency or association providing crisis intervention services if the parent refuses to permit the child to return home.

What is an agency or association providing crisis intervention services?

These agencies are usually referred to as a “CCBYS,” or Comprehensive Community Based Youth Services, agency. A CCBYS agency provides crisis assistance to youth who have been locked out. There are a number of CCBYS agencies located throughout the State of Illinois.

What happens after the local police department has contacted the crisis intervention agency?

A crisis intervention agency worker shall respond to the police station, or meet with the child at the CCBYS agency if the police department has transported the child. The crisis intervention agency worker shall provide crisis intervention services to youth ages 11 – 17 and their families for up to 48 hours including weekends and holidays.³

What does the CCBYS agency do with my child once it has been contacted by the police department?

The CCBYS agency located where the psychiatric hospital or residential treatment facility is will transport the child half-way to the area where the child resides and will deliver the child to his/her home CCBYS agency.

What will the home CCBYS agency do next with my child?

The home CCBYS agency will work on placement and reunification efforts with the child. The agency will also work with DCFS.⁴

Where will my child be placed if I continue to lockout my child?

The CCBYS agency and/or DCFS can arrange for placement of the child, which can include foster care.

What if the child who is being locked out is under age 11?

If a child who is being discharged from a psychiatric or residential treatment facility is under the age of 11 and is being locked out by his/her parent, the police department is obligated to contact DCFS immediately rather than contacting a CCBYS agency.

Can a child in limited custody be placed in jail, municipal lockup, a detention center, or a secure correctional facility?

No, not under any circumstances.

³ See, 89 Ill. Admin. Code Section 300.90(e)(6)(B).

⁴ DCFS stands for the Illinois Department of Children and Family Services.

Will the police department prepare a report for a child taken into limited custody?

Yes, the police report is required to do so. The report will contain all information to support filing a petition for neglect pursuant to the Abused and Neglected Child Reporting Act (“ANCRA”).

Is a lockout report drafted by a police officer separate from other reports?

Yes. All police records/reports regarding lockouts must be maintained separate from arrest records/reports. Lockout records/reports cannot be disclosed to the public without a court order, but may be disclosed to the agency or association providing crisis intervention services to the child.

Is DCFS contacted if a child is locked out?

Yes, the local police department must immediately contact DCFS once it has taken limited custody of a child. The CCBYS agency will also most likely contact DCFS.

How is a lockout classified, according to DCFS?

A lockout is classified as “neglect.” If a parent continues to lockout his/her child, then DCFS will likely pursue civil neglect charges against the parent. In some circumstances, DCFS, or the local State’s Attorney’s Office, may decide to file a “no fault dependency” petition based on the particular facts of the situation.

Can I be charged with a crime?

As stated above, a parent can face neglect charges in the juvenile courtroom located at the parent’s local county courthouse. These are civil petitions and not criminal charges. Occasionally, parents are charged with a criminal offense such as child abandonment or child endangerment, but this is not a common police practice.