



**LEGISLATIVE MANDATE ESTABLISHES THE ILLINOIS AFRICAN-AMERICAN FAMILY COMMISSION**

In August 2004, Public Act 093-0867 was passed reconstituting the African-American Family Commission as the Illinois African-American Family Commission. This act restructured and empowered the Commission to assist various state agencies to improve and expand existing human services and educational and community development programs for African-Americans.

The African-American Family Commission was originally created in 1994 to assist the Illinois Department of Children and Family Services (DCFS) in developing and implementing programs relevant to African-American families. Public Act 093-0867 expanded the scope of the Commission to guide the efforts of and collaborate with additional state agencies, including the Department on Aging, the Department of Commerce and Economic Opportunity, the Department of Corrections, the Department of Human Services, the Department of Public Aid, the Department of Public Health, the Department of Transportation, and others to improve and expand existing human services and educational and community development programs for African-Americans.



Terry A. Solomon  
Executive Director

**CRIMINAL JUSTICE**

The Criminal Justice Committee of the Illinois African-American Family Commission has been conducting public meetings and community forums to discuss criminal justice issues affecting African-American families and communities.

The number of persons incarcerated in Illinois is steadily increasing, and the majority of those being incarcerated are African-Americans. The adult prison population grew from a low of 27,516

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### CRIMINAL JUSTICE (CONTINUED FROM PAGE 1)

in 1990 to a high of 44,379 in 2004 (Illinois Department of Corrections). In 2004, about two-thirds (61%) of the adult inmate population and over half (57%) of the juvenile inmate population in Illinois were African-Americans. The continued criminalization and incarceration of African-Americans will have a dire impact on society and carries with it an unbearable financial burden.

There are 27 adult prisons and 8 youth facilities in Illinois. Although the majority of those incarcerated are from Cook County, there is only one state correctional facility located in Cook County, making family visitation difficult. Currently 52,000 persons are incarcerated in Illinois. Of this number, over 1,300 inmates are in juvenile facilities. One-fourth, or 325 of these children are DCFS wards. According to members of the Illinois Prisoner Review Board, 35 of the 325 children have completed their sentence, but remain incarcerated.

Many times, juveniles who have served their sentence and are ready for release are unable to leave the facility because they have nowhere to go. Often, the foster parents are unable or unwilling to take them back into their homes, and there are not enough residential facilities available for juvenile offenders.

The continuing incarceration of these juveniles beyond their scheduled release date is an injustice. The Commission is advocating for the allocation of sufficient resources to fund transitional housing facilities or other “step-down” alternatives that will facilitate their due release.

Regarding the broader issue of prisoner re-entry, thousands of inmates will soon complete their sentences and will be released to return to their homes and communities. Returning these individuals without affording them, at a minimum, the opportunity for gainful employment increases the risk of recidivism.

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### CHILDREN OF INCARCERATED PARENTS

The Illinois African-American Family Commission has partnered with the Illinois Task Force for Children of Prisoners, Children of Promise to ensure the well-being of children faced with the traumatic experience of being separated from parents who are incarcerated. The mission of the task force is to prevent the harm done to children by parental incarceration, and to promote healthy relations between these children and their parents. Some key statistics related to this issue are:

- In 1999, an estimated 721,500 State and Federal prisoners were parents to 1,498,800 children under age 18.<sup>1</sup>
- Since 1994, the Illinois female population has accelerated at nearly three times the rate of the male population. At the end of 2003, there were 2,700 women in prison, and increase of 48.9% over this period.<sup>2</sup>
- Twenty two percent of all minor children with a parent in prison were under age five.<sup>3</sup>
- Children of incarcerated parents with a history of depression, physical and sexual abuse, substance abuse, and foster care are more likely to be placed in foster care, followed by other living arrangements, and kinship care.<sup>4</sup>
- Children of incarcerated parents experience greater levels of fear, anxiety, anger, sadness, loneliness, and guilt. They also may exhibit low self-esteem, depression, and emotional withdrawal from friends and family.<sup>5</sup>
- The gender of the incarcerated parent affects the child’s future living arrangement. In state prisons, when fathers are incarcerated, the mother is generally the caregiver who continues to be responsible for child care; when mothers are incarcerated, grandmothers assume this responsibility.<sup>6</sup>

#### **For more information contact:**

Chicago Legal Advocacy for Incarcerated Mothers (312) 675-0911  
Luthern Social Services of Illinois (312) 567-9242  
The Link & Option Center, Inc. (708) 331-4880  
The Women’s Treatment Center (312) 850-0050  
Westside Health Partnership (773) 522-8640  
Re-Connections (773) 846-3600

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## EXPUNGEMENT

Staff representing the Illinois African-American Family Commission attended an expungement summit held on Saturday, July 9, 2005, at Austin High School, located on Chicago's west side.

Expungement is the process of filing a petition in court to delete or seal a criminal record. It is available in only limited circumstances. Individuals with qualifying arrests and convictions may petition the court of their sentencing county for an expungement or sealing of their records.<sup>7</sup>

Volunteer attorneys were at the summit to advise individuals with criminal backgrounds on how to work through the expungement and sealing process as well as the process by which to petition for executive clemency.

Not-for-profit and job placement agencies provided information on housing, job training, health care, drug treatment, and other essential services. Representatives from the Cook County Clerk's Office were there to process applications on-site along with the Cook County State's Attorney's Office and members of the Illinois Prisoner Review Board.

Men and women, both juveniles and adults, began lining up for registration at 8:30 a.m. Many waited in long lines for hours. The event ended well after 6:00 p.m. It is estimated that the total number of participants, the majority of whom were African-Americans, exceeded 3,000.

The magnitude of participation in this event speaks to the undeniable importance of expungement to the African-American community. For many, it is a means to remove barriers to employment, housing, education and other economic resources needed to improve socioeconomic conditions for themselves and their families.

The fundamental question before us regarding the issue of expungement is whether individuals who have committed criminal offenses should be given a second chance. Expungement is not being advocated to hide the offenses of the hardened criminal or the repeat offender, but rather to aid individuals such as those who, due to youthful indiscretions, poor judgment, or in response to economic need, strayed outside the law.

The issue of expungement is particularly significant to the child welfare system because of instances in which individuals have expressed interest in being foster parents, but were denied due to past criminal offenses. In many instances, the offenses were minor or occurred long ago without subsequent recurrence. Such offenses also may prevent those wanting to work in child care from obtaining employment.

There is no definition of "expungement" in the Illinois compiled statutes. However, a working definition is that when a record is "expunged" it is as though the crime never occurred. When a record is "sealed" law enforcement agencies still have access to the record; however, most of the general public will not. Sealed records remain subject to inspection and use by the court for the purposes of subsequent sentencing for misdemeanor and felony violations. They are also available for use by the Department of Corrections, State's Attorneys, and other prosecutors.

To expunge or seal a record, you must pay a filing fee, which varies from county to county, plus an additional \$60 to the Illinois State Police. Those who cannot afford to pay these fees may request a waiver with the circuit clerk called an "Application to Sue as a Poor Person" or *In Forma Pauperis* form. A judge will determine if the applicant qualifies.

*See EXPUNGEMENT, page. 4*

**EXPUNGEMENT  
(CONTINUED FROM PG. 3)**

To seal a class 4 felony drug possession case also requires proof that the petitioner has passed a drug test within 30 days before filing. The drug test must be administered by a person or agency that is willing to vouch for its authenticity in court. There will likely be a fee for the test.

Whether individuals can have their record expunged or sealed depends on their *entire* criminal history. Such information may not be easily obtainable from law enforcement records. For example, if you were sentenced to probation, you must know the date your probation was terminated. Individuals should permanently maintain copies of their records themselves. The following information must be presented for every case:

- 1) the date(s) of arrest;
- 2) the arresting law enforcement agency or agencies;
- 3) the charges;
- 4) the “disposition” of each case and charge; and
- 5) the date each case was completed.

**Places to obtain your criminal history include:**

- The arresting agency; the circuit clerk of the court(s) where your case(s) was/were handled;
- Illinois State Police, Bureau of Identification  
260 North Chicago Street, Joliet, IL 60432  
(815) 740-5160; and
- Federal Bureau of Investigation, U.S. Department of Justice, 1000 Custer Hollow Rd., Clarksburg, WV 26306 (304) 625-3878.

**The following offences cannot be expunged or sealed:**

- DUI (Driving Under the Influence),
- A sexual offense against a minor,
- Drug convictions for “possession with intent”
- Most felonies (with the exception of “simple” drug possession and prostitution).<sup>8</sup>

For those crimes deemed non-expungeable, a pardon may

be possible. A pardon is a type of executive clemency granted by the governor. It is considered to be an extraordinary remedy and is rarely granted. It only applies to cases that have resulted in a conviction.

**Waivers**

Some fields of work require licensing by the state. However, certain criminal convictions may present a bar to licensing. Certified nursing assistants, emergency medical technicians, patient care technicians, physician’s assistants, patient transporters, home health providers, homemakers, other health care workers, or persons planning to take classes to become certified as a health care worker, should know that, if they have specific criminal convictions, they must apply for a waiver to work in a position that involves direct patient care unless they receive a health care workers waiver. Individuals with criminal convictions seeking to become child welfare professionals, child welfare service providers, or licensed foster parents may also be barred unless they obtain a waiver. Waivers must be obtained for the specific license being sought. For more information, please contact:

**Health Care Worker Waivers:**

Illinois Department of Public Health (217) 782-2913  
Illinois Department of Human Services (217) 557-9282  
Illinois Department on Aging (217) 785-3357

**Child Welfare Waiver:**

Illinois Department of Children and Family Services  
Contact your licensing representative

**All Other Waivers:**

Illinois Department of Financial & Professional Regulation  
(217) 782-8556

**For Legal Advice and Assistance Call:**

Chicago Legal Clinic, Inc. (773) 731-1762

**For more information contact:**

Office of the State Appellate Defender  
P.O. Box 5240, Springfield, Illinois 62705-5240  
(866) 431-4907 (toll-free)  
Email: Jennifer.Walsh@OSAD.state.il.us  
Forms and instructions may be downloaded at:  
<http://state.il.us/defender/exp.html>

Illinois Prisoner Review Board (217) 782-7273

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## I-SaveRx Program – A Safe and Convenient Way to Save Money on Prescription Drugs



**Governor Rod R. Blagojevich** created the **I-SaveRx** prescription drug program to give all Illinois residents the opportunity to purchase 120 of the most common brand name drugs from licensed and inspected pharmacies in Canada, Ireland, and the United Kingdom at prices that, on average, are 25 to 50% less than what they cost in the United States.

“No one should have to choose between putting food on the table, paying the rent or being able to afford the medicine they need. Programs like these will hopefully help make that kind of choice a thing of the past,” said Governor Blagojevich.

**I-SaveRx** is dedicated to safety and operates under a stringent system of quality controls and multiple safety checks. **I-SaveRx** pharmacies are inspected and approved by state regulatory agencies, and **I-SaveRx** pharmacies in other countries follow the same standards and procedures used by Illinois pharmacies. The list of drugs available through **I-SaveRx** is limited to those that have been approved by the FDA for use in the United States to treat chronic or long-term conditions, and those drugs that cannot spoil during the shipping process.

**I-SaveRx** is a safe and affordable mail order program for prescription refills only. This ensures that patients and their doctors have time to monitor unanticipated side effects or interactions.

**I-SaveRx** provides convenience for its customers. Affordable medication refills can be ordered, in three-month supplies, over the phone. The medications are delivered directly to the participants’s home, safely and securely. The program not only saves them money, it also keeps them from having to make monthly trips to the pharmacy, which can be difficult for some people with medical problems..

**I-SaveRx** is available for all Illinois residents regardless of age or income, and now Wisconsin, Missouri, Kansas and Vermont have joined with Illinois in the **I-SaveRx** program. Several other states are also considering joining I-SaveRx, to benefit from this safe approach to saving money on prescriptions.

**I-SaveRx** includes prescriptions such as Norvasc, Lipitor, Nexium, Celebrex, Actos, and Ortho Evra for conditions such as high blood pressure, cholesterol, heartburn, arthritis, diabetes, birth control, and other maintenance medications.

**Customer service is available 24 hours a day, 7 days a week, at 1-866-I-SAVE33 or (1-866-472-8333) Voice and TTY.**

**Visit [www.I-SaveRx.net](http://www.I-SaveRx.net) for more information about the I-SaveRx program.**



## ACADEMIC PERFORMANCE GAP

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As early as third grade, there is a noticeable gap between Black and White students’ performance on Illinois state examinations. Forty-six percent of Black students in third grade met or exceeded standards on the Illinois Standards Achievement Test (ISAT) compared with 79.4% of their White counterparts (Chart 1).

These results are similar for fourth and fifth grades where 39% of Black students compared with 78% of White students met or exceeded standards on the ISAT. The results also show that on average, less than 40% of Black students in seventh and eighth grades compared with 74% of White students are performing at a level that meets or exceeds standards on the ISAT, (Charts 2 & 3).

Although both Black and White student performance decreases at the high school level, Black student performance lags that of Whites. Approximately 27% of students are meeting or exceeding standards as opposed to 65% of White students (Chart 4).

In middle school, White students are more than twice as likely to perform at meets/exceeds standards than Black students in mathematics and social science (Chart 3). In high school White students are more than twice as likely to meet/exceed standards in reading, science and writing and more than three times as likely to meet/exceed standards in mathematics and science.

Chart 1: Percent of Third Grade Elementary School Students Meeting/Exceeding Standards on Illinois Standards Achievement Test (ISAT) by Course Statewide

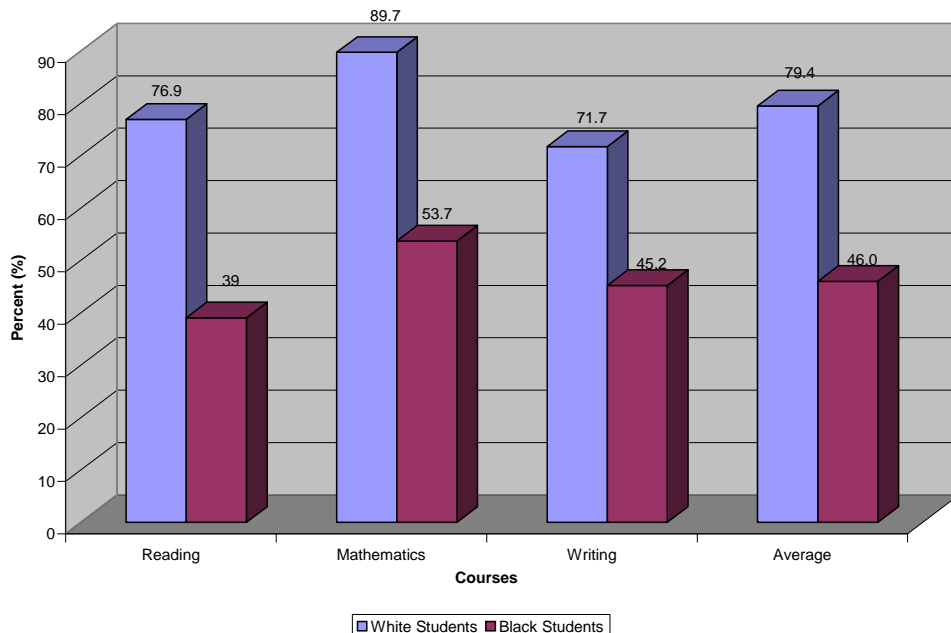
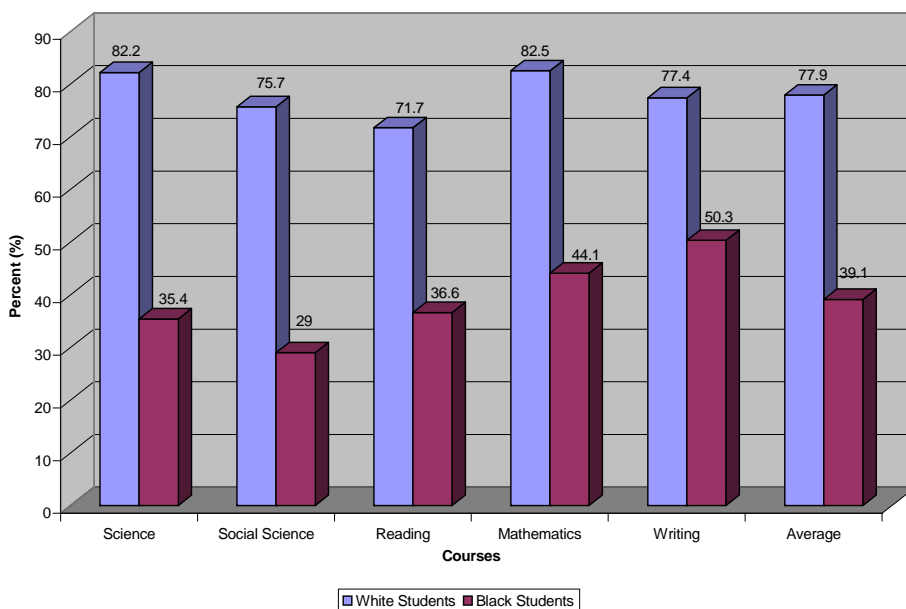


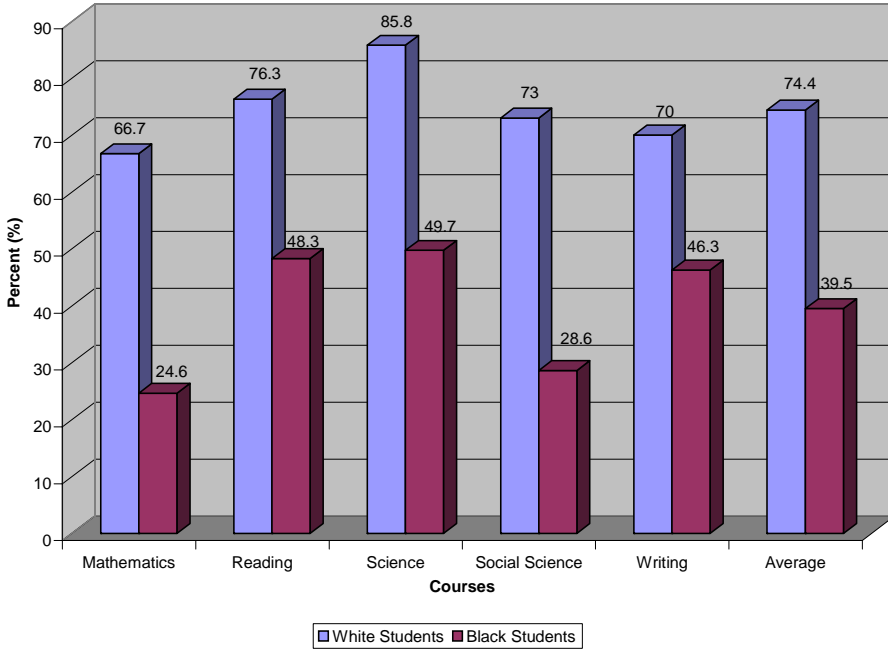
Chart 2: Percent of 4th & 5th Grade Elementary School Students Meeting/Exceeding Standards on Illinois Standards Achievement Test (ISAT) by Course Statewide



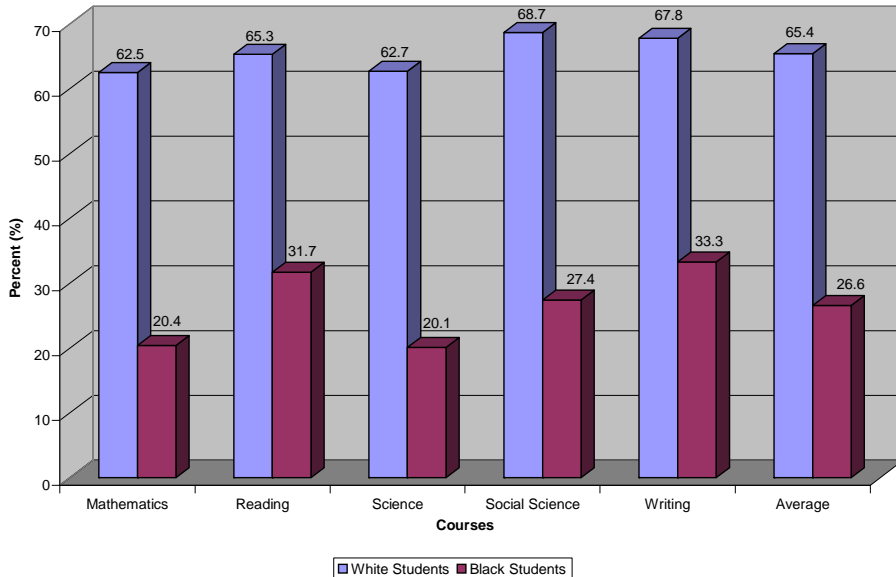
See *ACADEMIC PERFORMANCE GAP*, page 7

**ACADEMIC PERFORMANCE GAP  
(CONTINUED FROM PG. 6)**

**Chart 3: Percent of Middle School Students Meeting/Exceeding Standards on Illinois Standards Achievement Test (ISAT) by Course Statewide**



**Chart 4: Percent of High School Students Meeting/Exceeding Standards on Prairie State Achievement Examination (PSAE) by Course Statewide**



**Source:**

The charts and tables presented in this article are based on information provided by the 2004 Illinois Report Cards and represent results from the Illinois Standards Achievement Tests (ISAT) for grades 7 and 8, and the Prairie State Achievement Examination (PSAE) for grade 11.

**References**

- 1) Mumola, C. J. ( 2000). Incarcerated parents and their children (Report No. NCJ-182335). Washington, D.C.: U. S. Department of Justice, Bureau of Justice Statistics. Available at <http://www.ojp.usdoj.gov/bjs/pub/pdf/iptc.pdf>.
- 2) Illinois Department Corrections (2003). Statistical Presentation – 2003. Chicago: Illinois Department of Corrections Planning & Research Unit. Available at [http://www.idoc.state.il.us/subsections/reports/statistical\\_presentation\\_2003/part1.shtml](http://www.idoc.state.il.us/subsections/reports/statistical_presentation_2003/part1.shtml) #5.
- 3) Ibid., See note 1.
- 4) Johnson, E. I., & Waldfogel (2002). Children of incarcerated parents: Cumulative risk and children’s living arrangements. New York: Columbia University. Available at [http://www.jcpr.org/wpfiles/johnson\\_waldfogel.pdf](http://www.jcpr.org/wpfiles/johnson_waldfogel.pdf).
- 5) The Osborne Association. (1993). How can I help? Working with children of incarcerated parents. In *Serving Special Children* (Vol. 1). New York: The Osborne Association.
- 6) Ibid., See note 1.
- 7) A conviction is any finding of guilt that results in probation, conditional discharge, fine, time served, or sentence of incarceration. The following are not considered convictions: supervision, *nolle prosequi* (NP), stricken off with leave to reinstate (SOL), no probable cause found (FNPC), dismissed or not guilty.
- 8) Illinois compiled statutes define a “felony as a crime that may be punished by imprisonment for more than one year in a state prison.”

**CHILDWATCH**

If you suspect child abuse or neglect,  
call the DCFS Hotline at  
**1-800-25-ABUSE**

If you are not ready or willing to call DCFS or if you just have general questions,  
call the IAAFC Help Line at

**(312) 326-4593 or  
(312) Family3**

*“Preventing Child Abuse is A Community Affair”*

## AFRICAN-AMERICAN FAMILY ADVOCATE

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