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HUMAN RIGHTS AUTHORITY- CHICAGO REGION

REPORT 11-030-9014  
A Safe Haven Foundation

Case Summary: The HRA substantiated the complaint that A Safe Haven denied a recipient adequate care by denying her the services that were part of her supportive services contract, agreed upon at admission.

INTRODUCTION

The Human Rights Authority of the Illinois Guardianship and Advocacy Commission opened an investigation after receiving a complaint of possible rights violations at A Safe Haven Foundation, Inc. (A Safe Haven). It was alleged that the facility denied a recipient adequate care by denying her the services that were part of her social services contract. If substantiated, this would be a violation of the Mental Health and Developmental Disabilities Code (405 ILCS 5/100 et seq.).

A Safe Haven is a social services agency providing advocacy for children, families and adults who are homeless or in jeopardy of homelessness. The Corporation's website states that it provides support through furnishing structured living environments including transitional and permanent affordable housing, recovery management services, educational and life-skills training programs, and referrals to other institutions. The Supportive Housing Program is a service offered to lessees who are in jeopardy of homelessness, or suffer from substance abuse and/or other mental health conditions. The Supportive Housing Program serves approximately 200 individuals.

To review these complaints, the HRA conducted a site visit and interviewed the Director of Operations and Programs and the Program Supervisor for Supportive Housing. The Vice-president discussed the case by email.

COMPLAINT SUMMARY

The complaint indicates that the recipient, a single mother of a four year old child, was referred to A Safe Haven from a social services agency, where she was identified as a risk for homelessness. The complaint indicates that the recipient completed an application for admission

at A Safe Haven, and several areas were identified in need of support: dental care, vision care, utilities, job training and education. The complaint alleges that the recipient was making progress toward all of her goals and then began having problems with her stove and other areas of her apartment, all of which brought her into contact with the property manager. Although she was advised by her case manager to document her problems and present them to another property manager, when she did, the complaint alleges that the facility discontinued all of her identified services, which eventually led to the loss of her apartment and then homelessness.

## BACKGROUND

The record shows that the recipient in this case was referred to A Safe Haven by a social services organization (referral agency) with whom she signed a contract for assistance with rent and utilities. The recipient's understanding at the time was that this referral source was to pay her electricity bills while she resided at A Safe Haven. The recipient was notified that the agency was not paying her utilities, and at this time she was in arrears for a year.

The recipient's understanding at the time of her admission to the A Safe Haven Supportive Housing Program, was that the referral agency along with A Safe Haven, would offer help to stabilize the recipient, and she understood that she was receiving her apartment specifically because she was disabled and at risk for homelessness.

## FINDINGS

The record contains progress notes from the recipient's Case Manager (CM) which indicate that she was first interviewed for admission into the Supportive Housing Program on 9/04/09: "This was the first meeting with [recipient]. She is a 37 yr old African American single female with one child that lives with her. She is currently on SSI for herself and child. She also helps out her mother who is elderly. I explained Supportive Housing Program to her. She was very interested. [Recipient] said she needs help in her home, because she can't lift heavy objects. She also wanted help with dental, vision, utility and food. [Recipient] wanted to know if she could get a bus pass. I told her what I needed, and she gave me 4 business cards. She also gave me a copy of her Food-stamps letter and SSI forms...I gave her 1 7- day pass." This note also indicates "Other Service Type" and it lists Health/Dental/Vision/Utility/Food/Home maker.

Progress notes from the same CM entered on 9/11/09 state, "I did a home visit [recipient] her home need some improvement as far as cleaning. She did give a copy of her ID and she also gave 4 business cards. I gave her 1 bus card. She also gave me a program named 'The Odyssey Project' (Free College Level Courses). [Recipient] gave me a flier about the school...I added it to her file." The first mention of support for utilities is on 9/18/09 when the notes state, "I met [recipient] at her home. It was cleaner than last week. She wanted her bus pass, she also gave me five business cards. She requested help with legal services for child support also with Peoples' Gas. I told her to come to the office or I will try to bring some information out to her next week. I gave her 1 7- day pass." The record does not indicate that the recipient received any further information regarding help with her utilities and the following 5 entries in the notes indicate that the recipient is doing well, is attending school, and the only identified issue was that

she had a drink in her hand (10/01/09), that she was seen drinking (10/09/09), and that there was a bottle of wine on her counter (10/16/09).

At some point after the above entry, the recipient complained to Property Management that her stove was not working. This issue is first addressed on the notes from 11/05/09 which state, "I met [recipient] at her home. She said she didn't have any issues at this time. [Recipient] said that she is still in school and doing well there. [Recipient] said she is doing well, but still haven't told [property manager] about her stove...." The next visit on 11/12/09 also mentions that the recipient has not spoken with the property manager about the stove and here it mentions that she is in school and "caught up" with her rent. Notes entered for 12/03/09 state, "Staff met with client at her place of residence. She reports being stressed due to issues with her stove as well as a previous relationship. She reports feeling of traumatic stress. Staff asked if she would like a referral to talk with some one she stated no at this time. She reports attend class at ...community center and that she would like to further her education and acquire a degree..."

Notes from 12/08/09 outline the recipient's emerging problems with Property Management: "Staff met with [recipient] at her home site. She had reported that her oven caused her and her child to become sick from the fumes, and she had it turned off. She stated that she had told the maintenance man and the property manager about the problem. She was told by them that they can't help her if the gas was off. I told her that she need to have the gas cut on and have it checked by the gas man, then we will know where the gas is coming from. She agreed. She was reluctant because she reports the gas made her and her son sick...." Progress notes from 12/17/09 vaguely mention the situation surrounding the recipient's maintenance issues: "Staff met with [recipient] at her home site. She reports that housing is stable, still in school, her stove is still not working, but she haven't had the gas turned on yet. I advised told her that last week, that she was to get the gas turn on but (sic) for she calls [maintenance or property manager]...." On 12/30/09 the notes state, "....She reports being overwhelmed about the situation w/her stove..." On 01/05 the notes state, "....She reports her stove still isn't working. She didn't have the gas turned on yet because the line haven't been fixed. I advised her to have it turned on then call me and [maintenance]...." Progress Notes from (1/28/10) indicate that the recipient is still having problems with her stove, and she is now given a new contact for the maintenance issues, "due to previous issues w/[property manager]." These "issues" are not described in this entry or in the following progress notes. The entry from 2/03/10 indicate that the recipient did contact the maintenance department however they still had not addressed the issue with the stove.

The file indicates on 5/03/10 that staff became aware that the recipient's utilities had been turned off: "Staff met with [recipient] at her place of residence. She reports stable housing. She also reports that her employment search is continuing. [Recipient] stated that her gas has been off for some time and now her lights is off. She reports that the lights were in someone else's name, and now she needs a new lease because Com Ed won't turn them on without it. She also reports that the stove in her home is electric and gas operated. I advised her to call [property manager] and get the lease. Then get the light turned on. Call People gas to get the appointment date and time so that she can have the maintenance worker to open the door for them. She reports she is maintaining, doing the best she can...."

Progress Notes from 5/14/09 state, "Staff met with [recipient] at her mother place of residence, she reports that her housing is at risk and that she is working closely with [the referral agency] to address being relocated. Staff asked her have she spoke with management she stated yes and she reports that is where her problem is. Staff recommended that she document her concerns and give them to [property manager]. She appeared to be open to the suggestions given. Staff asked her if she had any other concerns or issues that I could assist her with she stated no not at this time. However she openly admitted to mental health issues and medication that she is taking to stabilize...." On 5/29/10 notes state, "Staff met with [recipient] at her place of residence, she reports that she returned home today. Staff asked her have she spoke with management she stated yes and she and they are not getting along well at all. Staff asked her did she document her concerns and give them to [property management]. She stated not yet. Staff asked her if she had any other concerns or issues that I could assist her with and she stated no not at this time. Staff asked her if she has been taking her medications for her mental health issues and do she feel stable. She stated that she is taking her medications and she does feel better...."

Progress Notes from 6/04/10 state, "Staff met with [recipient] at her place of residence, she reports that she is staying with different family members on a daily basis. She informed staff that [referral agency] will be relocating her next month. Staff asked if she had any other concerns or issues that I could assist her with she stated no not at this time. Staff asked her if she was feeling stable and has been taking her medications for her mental health issues she stated yes...." The final entry into the progress notes was entered on 6/30/10 and state, "Staff met with [recipient] at her place of residence. Staff informed her that she will no longer be eligible for services due to unresolved issues with property management which resulted in discharge from [referral agency]. Staff informed her that she would have to contact A Safe Haven Attorney if she had any discrepancies. [Recipient] is officially discharge from SHPA [Supportive Housing Providers Association]."

The record contains a letter from the recipient's case manager written March 10, 2011. It states:

"Please be advised that [the recipient] was admitted into the Supportive Housing Program on September 4, 2009.

In his initial meeting with [the recipient] her case manager determined that she needed assistance for dental care, Vision, Utilities, Job Training, and Education. [Case manager] gave her referrals to [a local community center], [a free education program], and a list of Free/Low Cost Dental Clinics.

In November 2009, [the recipient] expressed that she was having problems with the gas in her apartment. She said there was a gas leak, however she was using an electric hot plate to prepare meals, stating to [her case manager] that her gas had been shut off. He advised her to contact [property manager].

In May of 2010 [her case manager] noticed on a home visit that her electric had been shut off. She told [her case manager] that the ComEd bill has been in someone else's name the whole time she resided in the apartment. Now they required a new lease from her to turn it back on. Again, [the case manager] advised her to contact Property Management and speak with [property manager].

On June 30, 2010 [case manager] met with the client and advised her that the Supportive Housing could no longer provide her services due to the fact that she was now being evicted

from her apartment. She was told any further contact would need to be made through our attorneys.”

Another set of notes was provided to the HRA, although its author is unknown. It states on 5/05 (does not give year), “Phone conversation w/tenant regarding complaints of maintenance issues, electricity not on, [property manager] entering apt. unauthorized, breathing issues, unit was unhealthy for her and child.” A meeting was then scheduled to resolve these issues and the note entered for 5/07 offers some explanation: “met w/tenant, inspected unit, tenant maintenance complaint not valid ([maintenance] had fixed the ceiling in the bathroom), which tenant stated was causing unhealthy conditions, [property manager] entered unit unauthorized several months ago because tenant’s door was wide open causing some suspicion/concern of possible break in. [property manager] called her name twice without entering, no one answered, stepped into living room tenant appeared.”

An entry on 5/10 from the same notes states, “Spoke with [staff] from [the referral agency], she stated tenant has undiagnosed mental health issues, and she would be willing to relocate this tenant.” On 5/11 another entry states, “Investigated ComEd issue- tenant falsified information by giving the landlord as [the referral agency]; never had the lights turned on in her name, therefore; tenant has been living in unit for a year without paying utility. Com ED turned electricity off; tenant is responsible for a full year’s payment. Tenant wants a new lease to act as if she just moved into the unit. In resolution, and in agreement with case manager at [referral agency] upon management decision A Safe Haven will not renew lease, tenant does not meet criteria for CLIHTF [unknown what this stands for] (by not being able to obtain utilities in her name). In conclusion tenant is being relocated by [referral agency].” The final entry in these notes is made on 5/12 and it states, “Tenant called in, spoke w/tenant regarding why her lease will not be renewed, stated to tenant that was based on management decision, referred tenant back to Retention Specialist at [referral agency], tenant became explosive asked for director referred tenant to [staff].”

#### Agency Staff Response

Staff were interviewed regarding the complaint. They stated that A Safe Haven has two components, one is Property Management and another is the Supportive Housing Program. The Property Management division interacted with the referral agency to place the recipient in the building and the referral agency was the sole determinant in the renewal of the lease- the Property Management did not discontinue her services or recommend discharge. Staff stated that the referral agency subsidized the rent for the recipient, who paid one third of the bill. When the recipient could no longer meet her obligation to the referral agency, she was terminated from the program.

Staff reported that the Supportive Housing Program, which is funded under the statewide Supportive Housing Providers Association, is a volunteer program whose goal is to advocate for the tenant. The services are provided through a volunteer agreement and consist of contact information (phone numbers) directed towards the area of the tenant’s need. The tenant’s needs are determined by a Service Plan which is developed when the tenant is admitted into the program. Staff were asked if the recipient in this case completed an application, a Service Plan,

or signed tenants' rights paperwork, and they stated that yes, this would have been part of the admission process, however A Safe Haven did not ever provide these documents to the HRA after repeated requests. Staff stated that if a tenant is in jeopardy of losing her apartment, she could come to the Supportive Housing manager for contact information for help in preventing homelessness, and this is the extent of the services provided. If all the available avenues fail, A Safe Haven offers shelter at their homeless shelter for those who cannot afford housing. They stated that this would have been available for the recipient had she indicated the need.

Staff were asked about which services were provided to the recipient which directly related to the identified needs outlined in the initial progress notes: dental care, utilities, job training, and education. Case notes indicate that the recipient received a weekly bus pass, however the record does not show that she received any services other than two phone numbers. Although the case manager wrote in the letter dated 3/10/11 that he had referred the recipient to a community program, he also wrote in the progress notes that it was the recipient who had brought this information to him. Staff stated that they were not aware of the case manager's comments which were recorded in a letter, and they acknowledged that the recipient had indeed sought this information on her own. Staff were clear that they had no contractual obligation to provide any services to the recipient - the Supportive Housing Program was available to the recipient as it would be for any other tenant once the tenant was in danger of losing her lease, and at that time it would function only as a referral service providing contact information for community services. Staff stated that they made no recommendation for the recipient's termination or discharge and had no authority to terminate her lease- her services through the Supportive Housing Program were terminated because the referral agency ended her lease and "she was broke."

Staff were interviewed about the recipient's problems with the gas and electricity. They stated that the recipient had complained that her stove was not working, however when they checked the stove they realized that the gas had been turned off. They asked the recipient to have the gas turned on and then they would make repairs. Staff were asked about the recipient's concern that she feared turning on the gas because the line was broken and she was sickened by the smell. They stated that there was no way they could make repairs until the gas service was restored, and staff had given the recipient a phone number for the city utility assistance association. Staff were also asked about the progress notes entry which indicated that awareness that the recipient had her electricity turned off. They reported that the recipient had asked the staff to develop a new lease because the electric company required a new lease, and they were unable to do this. HRA staff explained that the recipient was under the assumption that the referral agency was paying the electricity bills and that when she found out otherwise, she realized that she needed to sign a new lease. Staff were not aware of this agreement with the referral agency.

Staff were interviewed about the complaint from the recipient regarding the property manager. They indicated that the property manager had responded to a report that the recipient's door to her apartment was ajar, and when he entered the apartment he called out and she came from another room to find him there. Staff were asked if they were aware of any problems between the property manager and the recipient or any other tenants and they were not aware of any problems. The staff person who entered the recipient's progress notes is no longer with the

agency however his supervisor, who was present for the interview, was not made aware of any problems. Staff stated that decision to terminate the lease was not made by any Safe Haven staff and the recipient's complaint against a property manager would have nothing to do with this decision. Staff were asked about the final entry into the progress notes which states, "...Staff informed her that she will no longer be eligible for services due to unresolved issues with property management which resulted in discharge from [referral agency]." Staff could not explain this statement and reiterated that they had nothing to do with the recipient's discharge.

## STATUTORY RIGHTS

The Mental Health and Developmental Disabilities Code states, *No recipient of services shall be deprived of any rights, benefits, or privileges guaranteed by law, the Constitution of the State of Illinois, or the Constitution of the United States solely on account of the receipt of such services* (405ILCS 5/2-100). Also, the Code guarantees all recipients adequate and humane care in the least restrictive environment, pursuant to an individual services plan (405 ILCS 5/2-102 a).

The Human Rights Authority may invoke any or all of the following investigative tools:

1. *Site visits*
2. *Interviews with relevant parties*
3. *Analysis of pertinent information*
4. *Public Hearings*
5. *Referral*

*A) Referral to an appropriate federal, state, or local government unit to undertake or to assist in the investigation. Any relevant information obtained through such referral shall be included in the regional authority's final report.*

*B) The chairperson or regional authority member(s) assigned to a case may assign the regional coordinator to assist the member(s) in the investigation (59 Ill Admin. Code 59 Section 310.60 c)*

## FACILITY POLICY

The agency staff and general counsel were asked to provide the statement of rights for their residents, or a lease or Care Plan outlining the agreed upon conditions of residency or the proposed services and they did not provide this information.

## CONCLUSION

It is impossible to determine from the record and staff interview what role A Safe Haven played in the delivery of services for the recipient in this case. The clear impression given to the HRA by the one staff member is that the agency, A Safe Haven, does not provide services and is not bound by an agreement or Care Plan. Other staff, including the recipient's case manager and his supervisor, stated in writing and through interview, that the recipient completed an

application, identified areas of need, and signed a lease and rights documentation, none of which the HRA received. Additionally, the case manager stated in the first progress note that the recipient "wanted help with dental, vision, utility and food." The stated goal for the agency is to provide housing and in this case, to provide housing and support services for a recipient referred from another agency, who allegedly terminated the recipient's services when she could no longer afford her apartment. The issue at hand is that this position is not only unsupported in the record but is actually contradicted by the very troubling progress notes written by the recipient's case manager at A Safe Haven.

The recipient's progress notes are signed off on by a staff person identified as a certified substance abuse counselor and case manager, who made regular bi-weekly visits to the recipient in her home, and who identified the recipient's specific areas of social service needs. Other than weekly bus passes, the record does not reflect any support from the case manager for the recipient's stated goals to seek education and stabilize her housing. Although the case manager identified the problematic relationship between the recipient and the property manager, the record does not indicate if the case manager ever advocated for the recipient, but asked her instead to keep a record of her interactions, seeming to suggest that someone would eventually help her. He additionally recorded her problems with the utilities and her stove and other than give her a number readily available in any phone book, he did not advocate for her again, but continued to note the seriousness of the situation. The HRA notes that the case manager stated in the notes that the recipient "openly admitted to mental health issues and medication," and the case manager continued to ask the recipient if she was taking these medications. This would be less significant were it not for the statement contained in a letter by the agency staff which stated that the referral agency "stated the tenant has undiagnosed mental health issues, and she would be willing to relocate the tenant." Again, it is unclear what role the agency played in the recipient's discharge as it states in the final entry into the notes that "she will no longer be eligible for services due to unresolved issues with property management which resulted in her discharge from [referral agency]." It is unclear from the investigation if the recipient was discharged because she could not afford her rent, was mentally ill, or had unresolved problems with the property management. In any case, even without a contract or Care Plan, the file itself identifies the agency and the case manager as service providers and states specifically what services the recipient could expect from her residence there. The HRA substantiates that A Safe Haven denied a recipient adequate care by denying her the services that were part of her supportive services list, agreed upon at admission.

## RECOMMENDATIONS

1. The HRA is hopeful that this recipient's record contains supportive documentation to include a lease, a program application, a Care Plan, and possibly rights and responsibilities of program participants. If so, this should become part of the recipient's permanent record and made available to investigative agencies such as the HRA upon written release of the recipient. If this documentation is not present, policy and procedure should be developed to clearly address the stated mission of the program, its scope and objectives, the development of a specialized



Care Plan, and an outline of the duties and responsibilities of the service provider and those of the recipient. Policy should also clarify the discharge criteria and process as well as any appeal mechanism.

### SUGGESTIONS

1. The HRA reminds the staff at A Safe Haven that the Mental Health Code guarantees recipients of services the right to refuse medication (405 ILCS 5/2-107). Asking a resident with a small child, who is at risk for homelessness during a Chicago winter, whether she has taken her medication, could be perceived as pressure and should be avoided unless this aspect of her care has been included in her accepted services plan.