



# Board of Commissioners of Cook County

118 North Clark Street  
Chicago, IL

## Legislation Details (With Text)

---

<b>File #:</b>	21-1890	<b>Version:</b>	1	<b>Name:</b>	REGARDING ZABOROWSKI V. COOK COUNTY SPECIAL PURPOSE FUND
<b>Type:</b>	Resolution	<b>Status:</b>			Approved
<b>File created:</b>	2/26/2021	<b>In control:</b>			Board of Commissioners
<b>On agenda:</b>	3/18/2021	<b>Final action:</b>			3/18/2021
<b>Title:</b>	PROPOSED RESOLUTION				

### REGARDING ZABOROWSKI V. COOK COUNTY SPECIAL PURPOSE FUND

WHEREAS, the County and Sheriff entered into a settlement agreement in a federal class action lawsuit styled, Zaborowski. v. Cook County, et al., 08-cv-6946, in the Northern District of Illinois, Eastern Division; and

WHEREAS, as part of the settlement, a settlement fund was established for the benefit of the class plaintiffs but only a portion of the fund allocated for class members was claimed; and

WHEREAS, pursuant to the settlement agreement, the parties agreed that any remaining funds ("the Balance") would revert to the Maternal Objective Management ("MOM's") program within Cook County Department of Corrections (CCDOC) to support services and programing for female detainees; and

WHEREAS, the MOM's program was administered by McDermott Center d/b/a Haymarket Center to provide female detainees with a continuum of care that includes trauma informed and gender responsive treatment focused specifically on pregnant or post-partum detainees. The County's contract with Haymarket Center for MOM's programming was discontinued due to budget constraints effective December 1, 2016 and those services were incorporated in-house at the CCDOC exclusively using CCDOC staff and resources; and

WHEREAS, the County and Sheriff filed a complaint seeking declaratory relief styled Cook County, et al. v. Zaborowski, et al., 2018 CH 05706, in the Circuit Court of Cook County, Illinois, related to the Balance (i.e., the unclaimed funds); and

WHEREAS, on September 10, 2020, the Circuit Court of Cook County entered an order providing that "the balance of the remaining settlement funds in the matter of Zaborowski v. Cook County, et al., Docket No. 08-cv-6946 (N.D. Illinois) that reverted to, and are currently being held by, the Cook County [Comptroller] shall be released to the Cook County Sheriff and are to be deposited into a Special Purpose Fund Account ("SPFA") and shall be used by the Cook County Sheriff only for the purpose of providing services consistent with and/or similar to services previously provided by the now-inactive MOMS program".

NOW, THEREFORE, BE IT RESOLVED, by the Cook County Board of Commissioners, that a Special Purpose Fund shall be created and that the Sheriff shall manage the Special Purpose Fund, which shall be funded by the unclaimed class action settlement dollars from Zaborowski v. Cook County, et al., Docket No. 08-cv-6946 (N.D. Illinois). Monies within the Special Purpose Fund shall only be used for the purpose of providing services consistent with, and/or similar to, the now-inactive MOM's program that was discontinued on or about December of 2016. Upon exhausting the funds within the Special Purpose Fund, the Sheriff shall notify the Cook County Comptroller and the Fund shall be closed. This Fund shall be in effect immediately upon adoption.

**Sponsors:** LARRY SUFFREDIN, PETER N. SILVESTRI, TONI PRECKWINKLE (President)

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
3/18/2021	1	Board of Commissioners	approve	Pass

**PROPOSED RESOLUTION**

**REGARDING *ZABOROWSKI V. COOK COUNTY* SPECIAL PURPOSE FUND**

**WHEREAS**, the County and Sheriff entered into a settlement agreement in a federal class action lawsuit styled, *Zaborowski v. Cook County, et al.*, 08-cv-6946, in the Northern District of Illinois, Eastern Division; and

**WHEREAS**, as part of the settlement, a settlement fund was established for the benefit of the class plaintiffs but only a portion of the fund allocated for class members was claimed; and

**WHEREAS**, pursuant to the settlement agreement, the parties agreed that any remaining funds (“the Balance”) would revert to the Maternal Objective Management (“MOM’s”) program within Cook County Department of Corrections (CCDOC) to support services and programing for female detainees; and

**WHEREAS**, the MOM’s program was administered by McDermott Center d/b/a Haymarket Center to provide female detainees with a continuum of care that includes trauma informed and gender responsive treatment focused specifically on pregnant or post-partum detainees. The County’s contract with Haymarket Center for MOM’s programming was discontinued due to budget constraints effective December 1, 2016 and those services were incorporated in-house at the CCDOC exclusively using CCDOC staff and resources; and

**WHEREAS**, the County and Sheriff filed a complaint seeking declaratory relief styled *Cook County, et al. v. Zaborowski, et al.*, 2018 CH 05706, in the Circuit Court of Cook County, Illinois, related to the Balance (*i.e.*, the unclaimed funds); and

**WHEREAS**, on September 10, 2020, the Circuit Court of Cook County entered an order providing that “the balance of the remaining settlement funds in the matter of *Zaborowski v. Cook County, et al.*, Docket No. 08-cv-6946 (N.D. Illinois) that reverted to, and are currently being held by, the Cook County [Comptroller] shall be released to the Cook County Sheriff and are to be deposited into a Special Purpose Fund Account (“SPFA”) and shall be used by the Cook County Sheriff only for the purpose of providing services consistent with and/or similar to services previously provided by the now-inactive MOMS program”.

**NOW, THEREFORE, BE IT RESOLVED**, by the Cook County Board of Commissioners, that a Special Purpose Fund shall be created and that the Sheriff shall manage the Special Purpose Fund, which shall be funded by the unclaimed class action settlement dollars from *Zaborowski v. Cook County, et al.*, Docket No. 08-cv-6946 (N.D. Illinois). Monies within the Special Purpose Fund shall only be used for the purpose of providing services consistent with, and/or similar to, the now-inactive MOM’s program that was discontinued on or about December of 2016. Upon exhausting the funds within the Special Purpose Fund, the Sheriff shall notify the Cook County Comptroller and the Fund shall be closed. This Fund shall be in effect immediately upon adoption.