

South Side woman suing Advocate Christ hospital, alleging racial discrimination when she brought in her son

By Lisa Schencker
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When Jillian Robinson brought her 10-month-old son to Advocate Christ Medical Center because of a strange mark on his ear, doctors thought it was a bruise and assumed, that because she was Black, she had abused him, Robinson alleges in a lawsuit filed late last month.

The mark on Robinson's son's ear turned out to be a likely birthmark — not a bruise, according to the lawsuit, which was filed April 20 in U.S. District Court for the Northern District of Illinois.

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Yet doctors at Advocate Christ in Oak Lawn involved the Department of Children and Family Services shortly after meeting Robinson last year, before they knew, for sure, what the mark was, the lawsuit alleges. They then performed medically unnecessary tests on her son, such as a head CT and bone scan to “support their presumption of child abuse after making a DCFS report,” the lawsuit alleges.



Advocate Christ Medical Center in Oak Lawn on May 21, 2019. (Jose M. Osorio / Chicago Tribune)

A DCFS caseworker told Robinson she might have to place her son in foster care, and ultimately required her and her son to live with her uncle for about a week after leaving the hospital, the lawsuit alleges.

Advocate Christ “and its staff made false assumptions about Ms. Robinson based on her race,” according to the complaint. “Based solely on those assumptions and before conducting a medical examination to confirm (Advocate Christ) and its staff jumped to the conclusion that the mark was an intentionally inflicted injury by Ms. Robinson and initiated complaint proceedings against her with DCFS.”

Advocate Christ said in a statement Tuesday: “Our top priority is to provide the safest, highest quality and equitable care to every patient. We take all concerns seriously and are thoroughly reviewing the complaint, which we just recently received.” Two Advocate Christ doctors are also named as defendants in the lawsuit.

Robinson, 36, of Beverly, is being represented by the Chicago Lawyers' Committee for Civil Rights and law firm Burke, Warren, MacKay, & Serritella P.C., on a pro bono basis. The Committee for Civil Rights is a nonprofit made up of civil rights lawyers and advocates who work on issues related to racial equity and economic opportunity.

Robinson first noticed the mark on her son's outer ear in late April of last year. She spoke with a nurse at the health center where her son normally receives care, and the nurse advised Robinson to take him to a clinic to be examined.

But because it was late in the day, Robinson took him to OSF Little Company of Mary Medical Center in Evergreen Park. There, she was told that he looked fine and to leave the mark alone and they could go home, according to the lawsuit.

Later that week, however, Robinson noticed that the mark was not better, and the area around it seemed more irritated. She had a telehealth appointment with her son's usual pediatric center, and she was told to take him to a hospital, according to the lawsuit.

She went to Advocate Christ with her son on April 28, where doctors asked Robinson how her son had gotten the mark. She said she didn't know, and the doctors, at that point, performed a physical exam on her son and put in the medical record that the mark appeared to be a hematoma, which is a pool of blood that can form after an injury. They wrote that it was "suspicious for a pinching of the ear, nonaccidental trauma," according to the lawsuit.

They then reported to DCFS "a suspected case of child abuse by Ms. Robinson," according to the complaint. After involving DCFS, hospital staff sliced into the mark and attempted to drain it. The medical staff found no drainage, which would have been expected with a hematoma, the lawsuit alleges.

Still, the baby was admitted to the hospital for a "DCFS workup," according to the lawsuit.

During Robinson's time at the hospital, a staff member commented to her that the hospital treats Black families who bring in their children with bruises differently than white families that do the same, the lawsuit alleges. Robinson said staff members also commented on her son's curly hair and fair skin and asked about his father.

“Ms. Robinson, who is darker skinned than her son, experienced these comments as not only racist and offensive but also as micro-aggressive challenges to her parentage of her child,” the lawsuit alleges.

The day after Robinson brought her son to the hospital, a DCFS caseworker told her DCFS was implementing a “safety plan” for her child, in which he would either need to be placed with a different family member or put into foster care, according to the lawsuit. A pediatrician at the hospital also allegedly urged Robinson, at that point, to allow her son to be placed in foster care for a few days.

“To say I was blindsided is an understatement,” Robinson told the Tribune. “I was made to feel like I was crazy. Everything that was being said to me was against rational, logical thought, from my point of view.”

Robinson objected to the plan, and an ENT who had examined her son at the hospital said he supported her and would call DCFS about the matter as well. Later that day, DCFS put a modified safety plan in place allowing Robinson to stay with her son under the supervision of her uncle, according to the lawsuit.

They stayed with him for about a week until the safety plan ended May 6.

The lawsuit alleges that Robinson’s experience is part of a larger [pattern of discrimination](#) in health care and in child welfare services. The committee and Legal Aid Chicago also filed a complaint against the hospital and DCFS in October with the U.S. Department of Health and Human Services Office for Civil Rights, said Beatriz Diaz-Pollack, senior counsel with the committee.

DCFS did not respond to a request for comment Tuesday.

“It is unfortunately representative of systemic issues,” Diaz-Pollack said. “This is both a case where a Black mother and her son were individually harmed and we’re seeking redress for her in her individual capacity, but also based on what we’ve learned about biases in the health care system, this case has the potential to make a positive impact.”

Robinson is seeking damages and an order requiring Advocate Christ to “implement and require adherence to policies, procedures and trainings to prevent racially biased and/or racially motivated medical treatment and reporting to DCFS and other government agencies,” among other things, according to the lawsuit.

“How do you know a system is broken? How do you know things just aren’t right? How do you know an injustice has happened?” Robinson said. “In the moment, you don’t really think those things. In the moment, you just panic. But once those moments passed and I had a moment to think, I knew I couldn’t just let that stand.”

lschencker@chicagotribune.com