

HB5791



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5791

by Rep. Michael Halpin

SYNOPSIS AS INTRODUCED:

705 ILCS 405/2-17.1

Amends the Juvenile Court Act of 1987. Provides that a court appointed special advocate or guardian ad litem may be removed by the court from a case upon finding that the court appointed special advocate or guardian ad litem has made a materially false statement under oath.

LRB100 17825 LNS 33005 b

A BILL FOR

1 AN ACT concerning courts.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Juvenile Court Act of 1987 is amended by
5 changing Section 2-17.1 as follows:

6 (705 ILCS 405/2-17.1)

7 Sec. 2-17.1. Court appointed special advocate.

8 (1) The court may appoint a special advocate upon the
9 filing of a petition under this Article or at any time during
10 the pendency of a proceeding under this Article. Except in
11 counties with a population over 3,000,000, the court appointed
12 special advocate may also serve as guardian ad litem by
13 appointment of the court under Section 2-17 of this Act.

14 (2) The court appointed special advocate shall act as a
15 monitor and shall be notified of all administrative case
16 reviews pertaining to the minor and work with the parties'
17 attorneys, the guardian ad litem, and others assigned to the
18 minor's case to protect the minor's health, safety and best
19 interests and insure the proper delivery of child welfare
20 services. The court may consider, at its discretion, testimony
21 of the court appointed special advocate pertaining to the
22 well-being of the child.

23 (3) Court appointed special advocates shall serve as

1 volunteers without compensation and shall receive training
2 consistent with nationally developed standards.

3 (4) No person convicted of a criminal offense as specified
4 in Section 4.2 of the Child Care Act of 1969 and no person
5 identified as a perpetrator of an act of child abuse or neglect
6 as reflected in the Department of Children and Family Services
7 State Central Register shall serve as a court appointed special
8 advocate.

9 (5) All costs associated with the appointment and duties of
10 the court appointed special advocate shall be paid by the court
11 appointed special advocate or an organization of court
12 appointed special advocates. In no event shall the court
13 appointed special advocate be liable for any costs of services
14 provided to the child.

15 (6) The court may remove the court appointed special
16 advocate or the guardian ad litem from a case upon finding that
17 the court appointed special advocate or the guardian ad litem
18 has acted in a manner contrary to the child's best interest,
19 made a materially false statement under oath, or if the court
20 otherwise deems continued service is unwanted or unnecessary.

21 (7) In any county in which a program of court appointed
22 special advocates is in operation, the provisions of this
23 Section shall apply unless the county board of that county, by
24 resolution, determines that the county shall not be governed by
25 this Section.

26 (8) Any court appointed special advocate acting in good

1 faith within the scope of his or her appointment shall have
2 immunity from any civil or criminal liability that otherwise
3 might result by reason of his or her actions, except in cases
4 of willful and wanton misconduct. For the purpose of any civil
5 or criminal proceedings, the good faith of any court appointed
6 special advocate shall be presumed.

7 (Source: P.A. 90-28, eff. 1-1-98; 90-608, eff. 6-30-98; 91-357,
8 eff. 7-29-99.)