



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4906

Introduced 2/18/2020, by Rep. Terra Costa Howard

SYNOPSIS AS INTRODUCED:

705 ILCS 405/2-17.1

Amends the Juvenile Court Act of 1987. Requires (rather than gives discretion to the court) to appoint a special advocate upon the filing of a petition to declare a minor an abused, neglected, or dependent minor and to adjudge the minor a ward of the court. Establishes qualifications of a court appointed special advocate. Provides that a court appointed special advocate shall: (1) conduct an independent assessment to determine the facts and circumstances surrounding the case by monitoring compliance with the court order; (2) maintain regular and sufficient in-person contact with the minor; (3) submit written reports to the court regarding the minor's best interests; (4) advocate for timely court hearings to obtain permanency for the minor; (5) be notified of all administrative case reviews pertaining to the minor as defined by and work with the parties' attorneys, the guardian ad litem, and others assigned to the minor's case to protect the minor's health, safety and best interests and insure the proper delivery of child welfare services; (6) attend all court hearings and other proceedings to advocate for the minor's best interests; (7) monitor compliance with the case plan and all court orders; and (8) review all court related documents. Provides that upon presentation of an order of appointment, a court appointed special advocate shall have access to all records and information relevant to the minor's case. Provides that all records and information acquired, reviewed, or produced by a court appointed special advocate during the course of his or her appointment shall be deemed confidential and shall not be disclosed except as ordered by the court.

LRB101 19393 RLC 68865 b

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 shall ~~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 or within the
12 counties that do not have a court appointed special advocate
13 program established, the court appointed special advocate may
14 also serve as guardian ad litem by appointment of the court
15 under Section 2-17 of this Act.

16 (1.1) In this Section, "court appointed special advocate"
17 means a community volunteer who:

18 (A) is of the age of the majority;

19 (B) shall receive training with State and nationally
20 developed standards;

21 (C) has been screened and trained regarding child abuse
22 and neglect, child development, and juvenile court
23 proceedings according to the standards of the National

1 Court Appointed Special Advocate (CASA) Association;

2 (D) is being actively supervised by a court appointed
3 special advocate program in good standing with the Illinois
4 Association of Court Appointed Special Advocates; and

5 (E) has been sworn in by a judge of the circuit court
6 of the county in which he or she wishes to serve;

7 Court appointed special advocate programs shall
8 promote policies, practices, and procedures that are
9 culturally competent. In this Section, "cultural competency"
10 means the capacity to function in more than one culture,
11 requiring the ability to appreciate, understand, and interact
12 with members of diverse populations within the local community.

13 (2) The court appointed special advocate shall:

14 (A) conduct an independent assessment to determine the
15 facts and circumstances surrounding the case by monitoring
16 compliance with the court order;

17 (B) maintain regular and sufficient in-person contact
18 with the minor;

19 (C) submit written reports to the court regarding the
20 minor's best interests;

21 (D) advocate for timely court hearings to obtain
22 permanency for the minor;

23 (E) be notified of all administrative case reviews
24 pertaining to the minor as defined by and work with the
25 parties' attorneys, the guardian ad litem, and others
26 assigned to the minor's case to protect the minor's health,

1 safety and best interests and insure the proper delivery of
2 child welfare services;

3 (F) attend all court hearings and other proceedings to
4 advocate for the minor's best interests;

5 (G) monitor compliance with the case plan and all court
6 orders; and

7 (H) review all court related documents.

8 ~~act as a monitor and shall be notified of all~~
9 ~~administrative case reviews pertaining to the minor and~~
10 ~~work with the parties' attorneys, the guardian ad litem,~~
11 ~~and others assigned to the minor's case to protect the~~
12 ~~minor's health, safety and best interests and insure the~~
13 ~~proper delivery of child welfare services.~~

14 (2.1) The court shall ~~may~~ consider, at its discretion,
15 testimony of the court appointed special advocate pertaining to
16 the well-being of the minor child.

17 (2.2) Upon presentation of an order of appointment, a court
18 appointed special advocate shall have access to all records and
19 information relevant to the minor's case.

20 (2.3) All records and information acquired, reviewed, or
21 produced by a court appointed special advocate during the
22 course of his or her appointment shall be deemed confidential
23 and shall not be disclosed except as ordered by the court.

24 (3) Court appointed special advocates shall serve as
25 volunteers without compensation and shall receive training
26 consistent with nationally developed standards.

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

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

13 (6) The court may remove the court appointed special
14 advocate or the guardian ad litem from a case upon finding that
15 the court appointed special advocate or the guardian ad litem
16 has acted in a manner contrary to the minor's ~~child's~~ best
17 interest or if the court otherwise deems continued service is
18 unwanted or unnecessary.

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

24 (8) Any court appointed special advocate acting in good
25 faith within the scope of his or her appointment shall have
26 immunity from any civil or criminal liability that otherwise

1 might result by reason of his or her actions, except in cases
2 of willful and wanton misconduct. For the purpose of any civil
3 or criminal proceedings, the good faith of any court appointed
4 special advocate shall be presumed.

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