



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB3277

Introduced 2/19/2021, 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.

LRB102 03958 RLC 13974 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  
9 the filing of a petition under this Article or at any time  
10 during the pendency of a proceeding under this Article. Except  
11 in 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  
22 abuse 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  
4 Illinois Association of Court Appointed Special Advocates;  
5 and

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

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

15 (2) The court appointed special advocate shall:

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

19 (B) maintain regular and sufficient in-person contact  
20 with the minor;

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

23 (D) advocate for timely court hearings to obtain  
24 permanency for the minor;

25 (E) be notified of all administrative case reviews  
26 pertaining to the minor as defined by and work with the

1 parties' attorneys, the guardian ad litem, and others  
2 assigned to the minor's case to protect the minor's  
3 health, safety and best interests and insure the proper  
4 delivery of child welfare services;

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

7 (G) monitor compliance with the case plan and all  
8 court orders; and

9 (H) review all court related documents.

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

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

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

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

26 (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  
8 special advocate.

9 (5) All costs associated with the appointment and duties  
10 of the court appointed special advocate shall be paid by the  
11 court 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 minor ~~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 minor's ~~child's~~ best  
19 interest or if the court otherwise deems continued service is  
20 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~~  
25 ~~by 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;  
8 91-357, eff. 7-29-99.)