

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 if  
11 special advocates are available. ~~The Except in counties with a~~  
12 ~~population over 3,000,000, the~~ court appointed special  
13 advocate may also serve as guardian ad litem by appointment of  
14 the court under Section 2-17 of this Act.

15 (1.2) In counties of populations over 3,000,000 the court  
16 may appoint a special advocate upon the filing of a petition  
17 under this Article or at any time during the pendency of a  
18 proceeding under this Article. No special advocate shall act  
19 as guardian ad litem in counties of populations over  
20 3,000,000.

21 (1.5) "Court appointed special advocate" means a community  
22 volunteer who:

23 (a) is 21 or older;

1           (b) shall receive training with State and nationally  
2           developed standards, has been screened and trained  
3           regarding child abuse and neglect, child development, and  
4           juvenile court proceedings according to the standards of  
5           the National CASA Association;

6           (c) is being actively supervised by a court appointed  
7           special advocate program in good standing with the  
8           Illinois Association of Court Appointed Special Advocates;  
9           and

10           (d) has been sworn in by a circuit court judge  
11           assigned to juvenile cases in the circuit court in which  
12           he or she wishes to serve.

13           Court appointed special advocate programs shall  
14           promote policies, practices, and procedures that are  
15           culturally competent. As used in this Section, "cultural  
16           competency" means the capacity to function in more than one  
17           culture, requiring the ability to appreciate, understand, and  
18           interact with members of diverse populations within the local  
19           community.

20           (2) The court appointed special advocate shall:

21           (a) conduct an independent assessment to monitor the  
22           facts and circumstances surrounding the case by monitoring  
23           the court order;

24           (b) maintain regular and sufficient in-person contact  
25           with the minor;

26           (c) submit written reports to the court regarding the

1 minor's best interests;

2 (d) advocate for timely court hearings to obtain  
3 permanency for the minor;

4 (e) be notified of all administrative case reviews  
5 pertaining to the minor and work with the parties'  
6 attorneys, the guardian ad litem, and others assigned to  
7 the minor's case to protect the minor's health, safety,  
8 and best interests and insure the proper delivery of child  
9 welfare services;

10 (f) attend all court hearings and other proceedings to  
11 advocate for the minor's best interests;

12 (g) monitor compliance with the case plan and all  
13 court orders; and

14 (h) review all court related documents.

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

21 (2.1) The court may consider, at its discretion, testimony  
22 of the court appointed special advocate pertaining to the  
23 well-being of the minor ~~child~~.

24 (2.2) Upon presentation of an order of appointment, a  
25 court appointed special advocate shall have access to all  
26 records and information relevant to the minor's case.

1       (2.2-1) All records and information acquired, reviewed, or  
2       produced by a court appointed special advocate during the  
3       course of his or her appointment shall be deemed confidential  
4       and shall not be disclosed except as ordered by the court.

5       (3) Court appointed special advocates shall serve as  
6       volunteers without compensation and shall receive training  
7       consistent with nationally developed standards.

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

14      (5) All costs associated with the appointment and duties  
15      of the court appointed special advocate shall be paid by the  
16      court appointed special advocate or an organization of court  
17      appointed special advocates. In no event shall the court  
18      appointed special advocate be liable for any costs of services  
19      provided to the child.

20      (6) The court may remove the court appointed special  
21      advocate or the guardian ad litem from a case upon finding that  
22      the court appointed special advocate or the guardian ad litem  
23      has acted in a manner contrary to the child's best interest or  
24      if the court otherwise deems continued service is unwanted or  
25      unnecessary.

26      (7) In any county in which a program of court appointed

1 special advocates is in operation, the provisions of this  
2 Section shall apply ~~unless the county board of that county, by~~  
3 ~~resolution, determines that the county shall not be governed~~  
4 ~~by this Section.~~

5 (8) Any court appointed special advocate acting in good  
6 faith within the scope of his or her appointment shall have  
7 immunity from any civil or criminal liability that otherwise  
8 might result by reason of his or her actions, except in cases  
9 of willful and wanton misconduct. For the purpose of any civil  
10 or criminal proceedings, the good faith of any court appointed  
11 special advocate shall be presumed.

12 (Source: P.A. 90-28, eff. 1-1-98; 90-608, eff. 6-30-98;  
13 91-357, eff. 7-29-99.)