

HB3558



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3558

Introduced 2/17/2023, by Rep. Sonya M. Harper

SYNOPSIS AS INTRODUCED:

705 ILCS 405/2-17.1

Amends the Juvenile Court Act of 1987. Deletes from the definition of "court appointed special advocate" a community volunteer who is being actively supervised by a court appointed special advocate program in good standing with the Illinois Association of Court Appointed Special Advocates.

LRB103 27766 RLC 54144 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 shall 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 if special
11 advocates are available. The court appointed special advocate
12 may also serve as guardian ad litem by appointment of the court
13 under Section 2-17 of this Act.

14 (1.2) In counties of populations over 3,000,000 the court
15 may appoint a special advocate upon the filing of a petition
16 under this Article or at any time during the pendency of a
17 proceeding under this Article. No special advocate shall act
18 as guardian ad litem in counties of populations over
19 3,000,000.

20 (1.5) "Court appointed special advocate" means a community
21 volunteer who:

22 (a) is 21 or older;

23 (b) shall receive training with State and nationally

1 developed standards, has been screened and trained
2 regarding child abuse and neglect, child development, and
3 juvenile court proceedings according to the standards of
4 the National CASA Association;

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

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

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

19 (2) The court appointed special advocate shall:

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

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

25 (c) submit written reports to the court regarding the
26 minor's best interests;

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

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

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

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

13 (h) review all court documents that relate to the
14 minor child.

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

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

22 (2.2-1) 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 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 or
19 if the court otherwise deems continued service is unwanted or
20 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.

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. 102-607, eff. 1-1-22.)