



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5638

Introduced 2/9/2024, by Rep. Maurice A. West, II

SYNOPSIS AS INTRODUCED:

705 ILCS 405/1-3	from Ch. 37, par. 801-3
705 ILCS 405/2-17	from Ch. 37, par. 802-17
750 ILCS 5/506	from Ch. 40, par. 506

Amends the Juvenile Court Act of 1987. Defines a guardian ad litem as either (i) an attorney licensed in Illinois to practice law; or (ii) a person who holds at a minimum a bachelor's degree in psychology, psychiatry, social work, education, or any other relevant child-related discipline involving determining a child's best interests. Provides that a guardian litem must receive training to ensure they have a fundamental working knowledge of abuser tactics and its effects on children in domestic violence cases as ordered by the Supreme Court. Requires a guardian ad litem to meet with a child who has been exposed to domestic violence in an age-appropriate manner for at least an hour before the issuance of any judicial decision affecting the parental rights of the child and to meet with the child for at least an hour every 3 months and provide a written update to the court at least every six months. Amends the Illinois Marriage and Dissolution of Marriage Act to make conforming changes.

LRB103 37439 JRC 67561 b

1 AN ACT concerning civil law.

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 Sections 1-3 and 2-17 as follows:

6 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

7 Sec. 1-3. Definitions. Terms used in this Act, unless the
8 context otherwise requires, have the following meanings
9 ascribed to them:

10 (1) "Adjudicatory hearing" means a hearing to determine
11 whether the allegations of a petition under Section 2-13,
12 3-15, or 4-12 that a minor under 18 years of age is abused,
13 neglected, or dependent, or requires authoritative
14 intervention, or addicted, respectively, are supported by a
15 preponderance of the evidence or whether the allegations of a
16 petition under Section 5-520 that a minor is delinquent are
17 proved beyond a reasonable doubt.

18 (2) "Adult" means a person 21 years of age or older.

19 (3) "Agency" means a public or private child care facility
20 legally authorized or licensed by this State for placement or
21 institutional care or for both placement and institutional
22 care.

23 (4) "Association" means any organization, public or

1 private, engaged in welfare functions which include services
2 to or on behalf of children but does not include "agency" as
3 herein defined.

4 (4.05) Whenever a "best interest" determination is
5 required, the following factors shall be considered in the
6 context of the child's age and developmental needs:

7 (a) the physical safety and welfare of the child,
8 including food, shelter, health, and clothing;

9 (b) the development of the child's identity;

10 (c) the child's background and ties, including
11 familial, cultural, and religious;

12 (d) the child's sense of attachments, including:

13 (i) where the child actually feels love,
14 attachment, and a sense of being valued (as opposed to
15 where adults believe the child should feel such love,
16 attachment, and a sense of being valued);

17 (ii) the child's sense of security;

18 (iii) the child's sense of familiarity;

19 (iv) continuity of affection for the child;

20 (v) the least disruptive placement alternative for
21 the child;

22 (e) the child's wishes and long-term goals;

23 (f) the child's community ties, including church,
24 school, and friends;

25 (g) the child's need for permanence which includes the
26 child's need for stability and continuity of relationships

1 with parent figures and with siblings and other relatives;

2 (h) the uniqueness of every family and child;

3 (i) the risks attendant to entering and being in
4 substitute care; and

5 (j) the preferences of the persons available to care
6 for the child.

7 (4.1) "Chronic truant" shall have the definition ascribed
8 to it in Section 26-2a of the School Code.

9 (5) "Court" means the circuit court in a session or
10 division assigned to hear proceedings under this Act.

11 (6) "Dispositional hearing" means a hearing to determine
12 whether a minor should be adjudged to be a ward of the court,
13 and to determine what order of disposition should be made in
14 respect to a minor adjudged to be a ward of the court.

15 (6.5) "Dissemination" or "disseminate" means to publish,
16 produce, print, manufacture, distribute, sell, lease, exhibit,
17 broadcast, display, transmit, or otherwise share information
18 in any format so as to make the information accessible to
19 others.

20 (7) "Emancipated minor" means any minor 16 years of age or
21 over who has been completely or partially emancipated under
22 the Emancipation of Minors Act or under this Act.

23 (7.03) "Expunge" means to physically destroy the records
24 and to obliterate the minor's name from any official index,
25 public record, or electronic database.

26 (7.05) "Foster parent" includes a relative caregiver

1 selected by the Department of Children and Family Services to
2 provide care for the minor.

3 (7.07) "Guardian ad litem" means either (i) an attorney
4 licensed in Illinois to practice law; or (ii) a person who
5 holds at a minimum a bachelor's degree in psychology,
6 psychiatry, social work, education, or any other relevant
7 child-related discipline involving determining a child's best
8 interests. A guardian litem must receive training as ordered
9 by the Supreme Court to ensure they have a fundamental working
10 knowledge of abuser tactics and its effects on children in
11 domestic violence cases.

12 (8) "Guardianship of the person" of a minor means the duty
13 and authority to act in the best interests of the minor,
14 subject to residual parental rights and responsibilities, to
15 make important decisions in matters having a permanent effect
16 on the life and development of the minor and to be concerned
17 with the minor's general welfare. It includes but is not
18 necessarily limited to:

19 (a) the authority to consent to marriage, to
20 enlistment in the armed forces of the United States, or to
21 a major medical, psychiatric, and surgical treatment; to
22 represent the minor in legal actions; and to make other
23 decisions of substantial legal significance concerning the
24 minor;

25 (b) the authority and duty of reasonable visitation,
26 except to the extent that these have been limited in the

1 best interests of the minor by court order;

2 (c) the rights and responsibilities of legal custody
3 except where legal custody has been vested in another
4 person or agency; and

5 (d) the power to consent to the adoption of the minor,
6 but only if expressly conferred on the guardian in
7 accordance with Section 2-29, 3-30, or 4-27.

8 (8.1) "Juvenile court record" includes, but is not limited
9 to:

10 (a) all documents filed in or maintained by the
11 juvenile court pertaining to a specific incident,
12 proceeding, or individual;

13 (b) all documents relating to a specific incident,
14 proceeding, or individual made available to or maintained
15 by probation officers;

16 (c) all documents, video or audio tapes, photographs,
17 and exhibits admitted into evidence at juvenile court
18 hearings; or

19 (d) all documents, transcripts, records, reports, or
20 other evidence prepared by, maintained by, or released by
21 any municipal, county, or State agency or department, in
22 any format, if indicating involvement with the juvenile
23 court relating to a specific incident, proceeding, or
24 individual.

25 (8.2) "Juvenile law enforcement record" includes records
26 of arrest, station adjustments, fingerprints, probation

1 adjustments, the issuance of a notice to appear, or any other
2 records or documents maintained by any law enforcement agency
3 relating to a minor suspected of committing an offense, and
4 records maintained by a law enforcement agency that identifies
5 a juvenile as a suspect in committing an offense, but does not
6 include records identifying a juvenile as a victim, witness,
7 or missing juvenile and any records created, maintained, or
8 used for purposes of referral to programs relating to
9 diversion as defined in subsection (6) of Section 5-105.

10 (9) "Legal custody" means the relationship created by an
11 order of court in the best interests of the minor which imposes
12 on the custodian the responsibility of physical possession of
13 a minor and the duty to protect, train and discipline the minor
14 and to provide the minor with food, shelter, education, and
15 ordinary medical care, except as these are limited by residual
16 parental rights and responsibilities and the rights and
17 responsibilities of the guardian of the person, if any.

18 (9.1) "Mentally capable adult relative" means a person 21
19 years of age or older who is not suffering from a mental
20 illness that prevents the person from providing the care
21 necessary to safeguard the physical safety and welfare of a
22 minor who is left in that person's care by the parent or
23 parents or other person responsible for the minor's welfare.

24 (10) "Minor" means a person under the age of 21 years
25 subject to this Act.

26 (11) "Parent" means a father or mother of a child and

1 includes any adoptive parent. It also includes a person (i)
2 whose parentage is presumed or has been established under the
3 law of this or another jurisdiction or (ii) who has registered
4 with the Putative Father Registry in accordance with Section
5 12.1 of the Adoption Act and whose paternity has not been ruled
6 out under the law of this or another jurisdiction. It does not
7 include a parent whose rights in respect to the minor have been
8 terminated in any manner provided by law. It does not include a
9 person who has been or could be determined to be a parent under
10 the Illinois Parentage Act of 1984 or the Illinois Parentage
11 Act of 2015, or similar parentage law in any other state, if
12 that person has been convicted of or pled nolo contendere to a
13 crime that resulted in the conception of the child under
14 Section 11-1.20, 11-1.30, 11-1.40, 11-11, 12-13, 12-14,
15 12-14.1, subsection (a) or (b) (but not subsection (c)) of
16 Section 11-1.50 or 12-15, or subsection (a), (b), (c), (e), or
17 (f) (but not subsection (d)) of Section 11-1.60 or 12-16 of the
18 Criminal Code of 1961 or the Criminal Code of 2012, or similar
19 statute in another jurisdiction unless upon motion of any
20 party, other than the offender, to the juvenile court
21 proceedings the court finds it is in the child's best interest
22 to deem the offender a parent for purposes of the juvenile
23 court proceedings.

24 (11.1) "Permanency goal" means a goal set by the court as
25 defined in subdivision (2) of Section 2-28.

26 (11.2) "Permanency hearing" means a hearing to set the

1 permanency goal and to review and determine (i) the
2 appropriateness of the services contained in the plan and
3 whether those services have been provided, (ii) whether
4 reasonable efforts have been made by all the parties to the
5 service plan to achieve the goal, and (iii) whether the plan
6 and goal have been achieved.

7 (12) "Petition" means the petition provided for in Section
8 2-13, 3-15, 4-12, or 5-520, including any supplemental
9 petitions thereunder in Section 3-15, 4-12, or 5-520.

10 (12.1) "Physically capable adult relative" means a person
11 21 years of age or older who does not have a severe physical
12 disability or medical condition, or is not suffering from
13 alcoholism or drug addiction, that prevents the person from
14 providing the care necessary to safeguard the physical safety
15 and welfare of a minor who is left in that person's care by the
16 parent or parents or other person responsible for the minor's
17 welfare.

18 (12.2) "Post Permanency Sibling Contact Agreement" has the
19 meaning ascribed to the term in Section 7.4 of the Children and
20 Family Services Act.

21 (12.3) "Residential treatment center" means a licensed
22 setting that provides 24-hour care to children in a group home
23 or institution, including a facility licensed as a child care
24 institution under Section 2.06 of the Child Care Act of 1969, a
25 licensed group home under Section 2.16 of the Child Care Act of
26 1969, a qualified residential treatment program under Section

1 2.35 of the Child Care Act of 1969, a secure child care
2 facility as defined in paragraph (18) of this Section, or any
3 similar facility in another state. "Residential treatment
4 center" does not include a relative foster home or a licensed
5 foster family home.

6 (13) "Residual parental rights and responsibilities" means
7 those rights and responsibilities remaining with the parent
8 after the transfer of legal custody or guardianship of the
9 person, including, but not necessarily limited to, the right
10 to reasonable visitation (which may be limited by the court in
11 the best interests of the minor as provided in subsection
12 (8)(b) of this Section), the right to consent to adoption, the
13 right to determine the minor's religious affiliation, and the
14 responsibility for the minor's support.

15 (14) "Shelter" means the temporary care of a minor in
16 physically unrestricting facilities pending court disposition
17 or execution of court order for placement.

18 (14.05) "Shelter placement" means a temporary or emergency
19 placement for a minor, including an emergency foster home
20 placement.

21 (14.1) "Sibling Contact Support Plan" has the meaning
22 ascribed to the term in Section 7.4 of the Children and Family
23 Services Act.

24 (14.2) "Significant event report" means a written document
25 describing an occurrence or event beyond the customary
26 operations, routines, or relationships in the Department of

1 Children of Family Services, a child care facility, or other
2 entity that is licensed or regulated by the Department of
3 Children of Family Services or that provides services for the
4 Department of Children of Family Services under a grant,
5 contract, or purchase of service agreement; involving children
6 or youth, employees, foster parents, or relative caregivers;
7 allegations of abuse or neglect or any other incident raising
8 a concern about the well-being of a minor under the
9 jurisdiction of the court under Article II of the Juvenile
10 Court Act of 1987; incidents involving damage to property,
11 allegations of criminal activity, misconduct, or other
12 occurrences affecting the operations of the Department of
13 Children of Family Services or a child care facility; any
14 incident that could have media impact; and unusual incidents
15 as defined by Department of Children and Family Services rule.

16 (15) "Station adjustment" means the informal handling of
17 an alleged offender by a juvenile police officer.

18 (16) "Ward of the court" means a minor who is so adjudged
19 under Section 2-22, 3-23, 4-20, or 5-705, after a finding of
20 the requisite jurisdictional facts, and thus is subject to the
21 dispositional powers of the court under this Act.

22 (17) "Juvenile police officer" means a sworn police
23 officer who has completed a Basic Recruit Training Course, has
24 been assigned to the position of juvenile police officer by
25 the officer's chief law enforcement officer and has completed
26 the necessary juvenile officers training as prescribed by the

1 Illinois Law Enforcement Training Standards Board, or in the
2 case of a State police officer, juvenile officer training
3 approved by the Director of the Illinois State Police.

4 (18) "Secure child care facility" means any child care
5 facility licensed by the Department of Children and Family
6 Services to provide secure living arrangements for children
7 under 18 years of age who are subject to placement in
8 facilities under the Children and Family Services Act and who
9 are not subject to placement in facilities for whom standards
10 are established by the Department of Corrections under Section
11 3-15-2 of the Unified Code of Corrections. "Secure child care
12 facility" also means a facility that is designed and operated
13 to ensure that all entrances and exits from the facility, a
14 building, or a distinct part of the building are under the
15 exclusive control of the staff of the facility, whether or not
16 the child has the freedom of movement within the perimeter of
17 the facility, building, or distinct part of the building.

18 (Source: P.A. 102-538, eff. 8-20-21; 103-22, eff. 8-8-23;
19 103-564, eff. 11-17-23.)

20 (705 ILCS 405/2-17) (from Ch. 37, par. 802-17)

21 Sec. 2-17. Guardian ad litem.

22 (1) Immediately upon the filing of a petition alleging
23 that the minor is a person described in Sections 2-3 or 2-4 of
24 this Article, the court shall appoint a guardian ad litem for
25 the minor if:

1 (a) such petition alleges that the minor is an abused
2 or neglected child; or

3 (b) such petition alleges that charges alleging the
4 commission of any of the sex offenses defined in Article
5 11 or in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50,
6 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the
7 Criminal Code of 1961 or the Criminal Code of 2012, have
8 been filed against a defendant in any court and that such
9 minor is the alleged victim of the acts of the defendant in
10 the commission of such offense.

11 Unless the guardian ad litem appointed pursuant to this
12 paragraph (1) is an attorney at law, the guardian ad litem
13 shall be represented in the performance of the guardian ad
14 litem's duties by counsel. The guardian ad litem shall
15 represent the best interests of the minor and shall present
16 recommendations to the court consistent with that duty.

17 (2) Before proceeding with the hearing, the court shall
18 appoint a guardian ad litem for the minor if:

19 (a) no parent, guardian, custodian or relative of the
20 minor appears at the first or any subsequent hearing of
21 the case;

22 (b) the petition prays for the appointment of a
23 guardian with power to consent to adoption; or

24 (c) the petition for which the minor is before the
25 court resulted from a report made pursuant to the Abused
26 and Neglected Child Reporting Act.

1 (3) The court may appoint a guardian ad litem for the minor
2 whenever it finds that there may be a conflict of interest
3 between the minor and the minor's parents or other custodian
4 or that it is otherwise in the minor's best interest to do so.

5 (4) Unless the guardian ad litem is an attorney, the
6 guardian ad litem shall be represented by counsel.

7 (4.5) Pursuant to Section 6b-1 of the Children and Family
8 Services Act, the Department of Children and Family Services
9 must maintain the name, electronic mail address, and telephone
10 number for each minor's court-appointed guardian ad litem and,
11 if applicable, the guardian ad litem's supervisor. The
12 Department of Children and Family Services must update this
13 contact information within 5 days of receiving notice of a
14 change. The Advocacy Office for Children and Families,
15 established pursuant to Section 5e of the Children and Family
16 Services Act, must make this contact information available to
17 the minor, current foster parent or caregiver, or caseworker,
18 if requested.

19 (5) The reasonable fees of a guardian ad litem appointed
20 under this Section shall be fixed by the court and charged to
21 the parents of the minor, to the extent they are able to pay.
22 If the parents are unable to pay those fees, they shall be paid
23 from the general fund of the county.

24 (6) A guardian ad litem appointed under this Section,
25 shall receive copies of any and all classified reports of
26 child abuse and neglect made under the Abused and Neglected

1 Child Reporting Act in which the minor who is the subject of a
2 report under the Abused and Neglected Child Reporting Act, is
3 also the minor for whom the guardian ad litem is appointed
4 under this Section.

5 (6.5) A guardian ad litem appointed under this Section or
6 attorney appointed under this Act shall receive a copy of each
7 significant event report that involves the minor no later than
8 3 days after the Department learns of an event requiring a
9 significant event report to be written, or earlier as required
10 by Department rule.

11 (7) The appointed guardian ad litem shall remain the
12 minor's guardian ad litem throughout the entire juvenile trial
13 court proceedings, including permanency hearings and
14 termination of parental rights proceedings, unless there is a
15 substitution entered by order of the court.

16 (8) The guardian ad litem or an agent of the guardian ad
17 litem shall do the following:

18 (A) have a minimum of one in-person contact with the
19 minor and one contact with one of the current foster
20 parents or caregivers prior to the adjudicatory hearing; ~~7~~
21 ~~and~~

22 (B) at least one additional in-person contact with the
23 child and one contact with one of the current foster
24 parents or caregivers after the adjudicatory hearing but
25 prior to the first permanency hearing; ~~and~~

26 (C) one additional in-person contact with the child

1 and one contact with one of the current foster parents or
2 caregivers each subsequent year; ~~+~~

3 (D) meet with a child who has been exposed to domestic
4 violence in an age-appropriate manner for at least an hour
5 before the issuance of any judicial decision affecting the
6 parental rights of the child; and

7 (E) meet with the child for at least an hour every 3
8 months and provide a written update to the court at least
9 every six months.

10 (F) For good cause shown, the judge may excuse
11 face-to-face interviews required in this subsection.

12 (9) In counties with a population of 100,000 or more but
13 less than 3,000,000, each guardian ad litem must successfully
14 complete a training program approved by the Department of
15 Children and Family Services. The Department of Children and
16 Family Services shall provide training materials and documents
17 to guardians ad litem who are not mandated to attend the
18 training program. The Department of Children and Family
19 Services shall develop and distribute to all guardians ad
20 litem a bibliography containing information including but not
21 limited to the juvenile court process, termination of parental
22 rights, child development, medical aspects of child abuse, and
23 the child's need for safety and permanence.

24 (Source: P.A. 102-208, eff. 7-30-21; 103-22, eff. 8-8-23.)

25 Section 10. The Illinois Marriage and Dissolution of

1 Marriage Act is amended by changing Section 506 as follows:

2 (750 ILCS 5/506) (from Ch. 40, par. 506)

3 Sec. 506. Representation of child.

4 (a) Appointment ~~Duties~~. In any proceedings involving the
5 support, custody, visitation, allocation of parental
6 responsibilities, education, parentage, property interest, or
7 general welfare of a minor or dependent child, the court may,
8 on its own motion or that of any party, appoint an attorney to
9 serve in one of the following capacities to address the issues
10 the court delineates:

11 (1) Attorney. The attorney shall provide independent
12 legal counsel for the child and shall owe the same duties
13 of undivided loyalty, confidentiality, and competent
14 representation as are due an adult client.

15 (2) Guardian ad litem qualifications. A guardian ad
16 litem must either be one of the following:-

17 (A) an attorney licensed in Illinois to practice
18 law; or

19 (B) a person who holds at a minimum a bachelor's
20 degree in psychology, psychiatry, social work,
21 education, or any other relevant child-related
22 discipline involving determining a child's best
23 interests.

24 (C) Duties of a guardian ad litem. The guardian ad
25 litem shall do the following:

1 (i) investigate the facts of the case and
2 interview the child and the parties; ~~+~~

3 (ii) unless ~~Unless~~ the court directs
4 otherwise, the guardian ad litem shall submit to
5 the court and the parties a written report,
6 written recommendations, or a proposed parenting
7 plan, in accordance with the child's best
8 interests, not less than 30 days before a final
9 hearing or trial. The guardian ad litem's written
10 report or written recommendations shall be
11 admitted into evidence without the need for
12 foundation. The guardian ad litem shall be
13 available for deposition before a final hearing or
14 trial notwithstanding any other discovery cutoff.
15 The guardian ad litem may be called as a witness
16 for purposes of cross-examination regarding the
17 guardian ad litem's report or recommendations. At
18 the discretion of the court, the guardian ad
19 litem:

20 (iii) unless (i) may be present for all
21 proceedings, including in camera examinations of
22 the child;

23 (iv) unless (ii) may issue subpoenas for
24 records as part of the guardian ad litem's
25 investigation; and

26 (v) unless (iii) may file pleadings relating

1 to procedural matters.

2 (vi) meet with a child who has been exposed to
3 domestic violence in an age-appropriate manner for
4 at least an hour before the issuance of any
5 judicial decision affecting the parental rights of
6 the child; and

7 (vii) meet with the child for at least an hour
8 every 3 months and provide a written update to the
9 court at least every six months.

10 (D) Training of a guardian ad litem. A guardian
11 litem must receive training as ordered by the Supreme
12 Court of Illinois to ensure they have a fundamental
13 working knowledge of abuser tactics and its effects on
14 children in domestic violence cases.

15 (3) Child representative. The child representative
16 shall advocate what the child representative finds to be
17 in the best interests of the child after reviewing the
18 facts and circumstances of the case. The child
19 representative shall meet with the child and the parties,
20 investigate the facts of the case, and encourage
21 settlement and the use of alternative forms of dispute
22 resolution. The child representative shall have the same
23 authority and obligation to participate in the litigation
24 as does an attorney for a party and shall possess all the
25 powers of investigation as does a guardian ad litem. The
26 child representative shall consider, but not be bound by,

1 the expressed wishes of the child. A child representative
2 shall have received training in child advocacy or shall
3 possess such experience as determined to be equivalent to
4 such training by the chief judge of the circuit where the
5 child representative has been appointed. The child
6 representative shall not disclose confidential
7 communications made by the child, except as required by
8 law or by the Rules of Professional Conduct. The child
9 representative shall not render an opinion,
10 recommendation, or report to the court and shall not be
11 called as a witness, but shall offer evidence-based legal
12 arguments. The child representative shall disclose the
13 position as to what the child representative intends to
14 advocate in a pre-trial memorandum that shall be served
15 upon all counsel of record prior to the trial. The
16 position disclosed in the pre-trial memorandum shall not
17 be considered evidence. The court and the parties may
18 consider the position of the child representative for
19 purposes of a settlement conference.

20 (a-3) Additional appointments. During the proceedings the
21 court may appoint an additional attorney to serve in the
22 capacity described in subdivision (a)(1) or an additional
23 attorney to serve in another of the capacities described in
24 subdivision (a)(2) or (a)(3) on the court's own motion or that
25 of a party only for good cause shown and when the reasons for
26 the additional appointment are set forth in specific findings.

1 (a-5) Appointment considerations. In deciding whether to
2 make an appointment of an attorney for the minor child, a
3 guardian ad litem, or a child representative, the court shall
4 consider the nature and adequacy of the evidence to be
5 presented by the parties and the availability of other methods
6 of obtaining information, including social service
7 organizations and evaluations by mental health professions, as
8 well as resources for payment.

9 In no event is this Section intended to or designed to
10 abrogate the decision making power of the trier of fact. Any
11 appointment made under this Section is not intended to nor
12 should it serve to place any appointed individual in the role
13 of a surrogate judge.

14 (b) Fees and costs. The court shall enter an order as
15 appropriate for costs, fees, and disbursements, including a
16 retainer, when the attorney, guardian ad litem, or child's
17 representative is appointed. Any person appointed under this
18 Section shall file with the court within 90 days of his or her
19 appointment, and every subsequent 90-day period thereafter
20 during the course of his or her representation, a detailed
21 invoice for services rendered with a copy being sent to each
22 party. The court shall review the invoice submitted and
23 approve the fees, if they are reasonable and necessary. Any
24 order approving the fees shall require payment by either or
25 both parents, by any other party or source, or from the marital
26 estate or the child's separate estate. The court may not order

1 payment by the Department of Healthcare and Family Services in
2 cases in which the Department is providing child support
3 enforcement services under Article X of the Illinois Public
4 Aid Code. Unless otherwise ordered by the court at the time
5 fees and costs are approved, all fees and costs payable to an
6 attorney, guardian ad litem, or child representative under
7 this Section are by implication deemed to be in the nature of
8 support of the child and are within the exceptions to
9 discharge in bankruptcy under 11 U.S.C.A. 523. The provisions
10 of Sections 501 and 508 of this Act shall apply to fees and
11 costs for attorneys appointed under this Section.

12 (Source: P.A. 103-126, eff. 1-1-24.)