

HB3287



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3287

by Rep. Dan Brady

SYNOPSIS AS INTRODUCED:

705 ILCS 405/2-17
750 ILCS 5/601.5

from Ch. 37, par. 802-17

Amends the Juvenile Court Act of 1987. Provides that the Department of Children and Family Services shall develop and distribute to all guardians ad litem a bibliography containing information on parental alienation behaviors. Amends the Illinois Marriage and Dissolution of Marriage Act. Provides that the training for guardians ad litem shall include a component on the dynamics of parental alienation behaviors and its effect on parents and children.

LRB098 08425 RLC 38531 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning guardians ad litem.

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 as follows:

6 (705 ILCS 405/2-17) (from Ch. 37, par. 802-17)

7 Sec. 2-17. Guardian ad litem.

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

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

14 (b) such petition alleges that charges alleging the
15 commission of any of the sex offenses defined in Article 11
16 or in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50,
17 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the
18 Criminal Code of 1961 or the Criminal Code of 2012, have
19 been filed against a defendant in any court and that such
20 minor is the alleged victim of the acts of defendant in the
21 commission of such offense.

22 Unless the guardian ad litem appointed pursuant to this
23 paragraph (1) is an attorney at law he shall be represented in

1 the performance of his duties by counsel. The guardian ad litem
2 shall represent the best interests of the minor and shall
3 present recommendations to the court consistent with that duty.

4 (2) Before proceeding with the hearing, the court shall
5 appoint a guardian ad litem for the minor if

6 (a) no parent, guardian, custodian or relative of the
7 minor appears at the first or any subsequent hearing of the
8 case;

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

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

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

18 (4) Unless the guardian ad litem is an attorney, he shall
19 be represented by counsel.

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

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

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

5 (7) The appointed guardian ad litem shall remain the
6 child's guardian ad litem throughout the entire juvenile trial
7 court proceedings, including permanency hearings and
8 termination of parental rights proceedings, unless there is a
9 substitution entered by order of the court.

10 (8) The guardian ad litem or an agent of the guardian ad
11 litem shall have a minimum of one in-person contact with the
12 minor and one contact with one of the current foster parents or
13 caregivers prior to the adjudicatory hearing, and at least one
14 additional in-person contact with the child and one contact
15 with one of the current foster parents or caregivers after the
16 adjudicatory hearing but prior to the first permanency hearing
17 and one additional in-person contact with the child and one
18 contact with one of the current foster parents or caregivers
19 each subsequent year. For good cause shown, the judge may
20 excuse face-to-face interviews required in this subsection.

21 (9) In counties with a population of 100,000 or more but
22 less than 3,000,000, each guardian ad litem must successfully
23 complete a training program approved by the Department of
24 Children and Family Services. The Department of Children and
25 Family Services shall provide training materials and documents
26 to guardians ad litem who are not mandated to attend the

1 training program. The Department of Children and Family
2 Services shall develop and distribute to all guardians ad litem
3 a bibliography containing information including but not
4 limited to the juvenile court process, termination of parental
5 rights, child development, medical aspects of child abuse,
6 parental alienation behaviors, and the child's need for safety
7 and permanence.

8 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

9 Section 10. The Illinois Marriage and Dissolution of
10 Marriage Act is amended by changing Section 601.5 as follows:

11 (750 ILCS 5/601.5)

12 Sec. 601.5. Training. The chief circuit judge or designated
13 presiding judge may approve 3 hours of training for guardians
14 ad litem appointed under Section 601 of this Act, professional
15 personnel appointed under Section 604 of this Act, evaluators
16 appointed under Section 604.5 of this Act, and investigators
17 appointed under Section 605 of this Act. This training shall
18 include a component on the dynamics of domestic violence and
19 parental alienation behaviors and their ~~its~~ effect on parents
20 and children.

21 (Source: P.A. 94-377, eff. 7-29-05; 95-331, eff. 8-21-07.)