

AN ACT concerning courts.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Juvenile Court Act of 1987 is amended by changing Section 2-17.1 as follows:

(705 ILCS 405/2-17.1)

Sec. 2-17.1. Court appointed special advocate.

(1) The court shall ~~may~~ appoint a special advocate upon the filing of a petition under this Article or at any time during the pendency of a proceeding under this Article if special advocates are available. ~~The~~ ~~Except in counties with a population over 3,000,000,~~ the court appointed special advocate may also serve as guardian ad litem by appointment of the court under Section 2-17 of this Act.

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

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

(a) is 21 or older;

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

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

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

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

(2) The court appointed special advocate shall:

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

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

(c) submit written reports to the court regarding the

minor's best interests;

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

(e) be notified of all administrative case reviews pertaining to the minor 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;

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

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

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

~~act as a monitor and shall be notified of all administrative case reviews pertaining to the minor 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.~~

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

(2.2) 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 with regard to the minor child.

(2.2-1) 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.

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

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

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

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

unnecessary.

(7) In any county in which a program of court appointed special advocates is in operation, the provisions of this Section shall apply ~~unless the county board of that county, by resolution, determines that the county shall not be governed by this Section.~~

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

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