



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB3374

Introduced 2/14/2020, by Sen. Christopher Belt

#### SYNOPSIS AS INTRODUCED:

705 ILCS 405/2-17.1

Amends the Juvenile Court Act of 1987 concerning court appointed special advocates. Defines "court appointed special advocate". Provides that a court appointed special advocate shall: (1) conduct an independent assessment to monitor the facts and circumstances surrounding the case by monitoring the court order; (2) maintain regular and sufficient in-person contact with the minor; (3) submit written reports to the court regarding the minor's best interests; (4) advocate for timely court hearings to obtain permanency for the minor; (5) be notified of all administrative case reviews pertaining to the minor as defined by 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; (6) attend all court hearings and other proceedings to advocate for the minor's best interests; (7) monitor compliance with the case plan and all court orders; and (8) review all court related documents. Provides that 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. Provides that 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.

LRB101 18779 RLC 68236 b

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

15 (1.5) "Court appointed special advocate" means a community  
16 volunteer who:

17 (a) is of the age of the majority;

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

23 (c) is being actively supervised by a court appointed

1 special advocate program in good standing with the Illinois  
2 Association of Court Appointed Special Advocates; and

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

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

13 (2) The court appointed special advocate shall:

14 (1) conduct an independent assessment to monitor the  
15 facts and circumstances surrounding the case by monitoring  
16 the court order;

17 (2) maintain regular and sufficient in-person contact  
18 with the minor;

19 (3) submit written reports to the court regarding the  
20 minor's best interests;

21 (4) advocate for timely court hearings to obtain  
22 permanency for the minor;

23 (5) be notified of all administrative case reviews  
24 pertaining to the minor as defined by and work with the  
25 parties' attorneys, the guardian ad litem, and others  
26 assigned to the minor's case to protect the minor's health,

1 safety, and best interests and insure the proper delivery  
2 of child welfare services;

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

5 (7) monitor compliance with the case plan and all court  
6 orders; and

7 (8) review all court related documents.

8 ~~act as a monitor and shall be notified of all~~  
9 ~~administrative case reviews pertaining to the minor and~~  
10 ~~work with the parties' attorneys, the guardian ad litem,~~  
11 ~~and others assigned to the minor's case to protect the~~  
12 ~~minor's health, safety and best interests and insure the~~  
13 ~~proper delivery of child welfare services.~~

14 (2.1) The court may consider, at its discretion, testimony  
15 of the court appointed special advocate pertaining to the  
16 well-being of the child.

17 (2.2) Upon presentation of an order of appointment, a court  
18 appointed special advocate shall have access to all records and  
19 information relevant to the minor's case.

20 (2.2.1) All records and information acquired, reviewed, or  
21 produced by a court appointed special advocate during the  
22 course of his or her appointment shall be deemed confidential  
23 and shall not be disclosed except as ordered by the court.

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

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

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

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

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

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. 90-28, eff. 1-1-98; 90-608, eff. 6-30-98; 91-357,  
6 eff. 7-29-99.)