



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB4203

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 15055 RLC 50018 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.)