



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB3416

Introduced 2/18/2025, by Rep. Amy Elik

#### SYNOPSIS AS INTRODUCED:

705 ILCS 405/2-17

from Ch. 37, par. 802-17

Amends the Juvenile Court Act of 1987. Provides that a parent may request one substitution of a guardian ad litem during the entire juvenile court proceedings, upon request to the judge. Provides that the judge shall review the request and grant the substitution if the judge finds that the parent has good cause for believing that the guardian ad litem is not fulfilling his or her duties. Provides that the bibliography containing information developed and distributed to guardians ad litem by the Department of Children and Family Services shall contain information on the effects of trauma and household domestic violence on children and teens and on mental health disorders.

LRB104 10753 RLC 20832 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 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  
9 that the minor is a person described in Sections 2-3 or 2-4 of  
10 this Article, the court shall appoint a guardian ad litem for  
11 the 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  
16 11 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 the defendant in  
21 the commission of such offense.

22 Unless the guardian ad litem appointed pursuant to this  
23 paragraph (1) is an attorney at law, the guardian ad litem

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

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

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

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

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

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

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

21 (4.5) Pursuant to Section 6b-1 of the Children and Family  
22 Services Act, the Department of Children and Family Services  
23 must maintain the name, electronic mail address, and telephone  
24 number for each minor's court-appointed guardian ad litem and,  
25 if applicable, the guardian ad litem's supervisor. The  
26 Department of Children and Family Services must update this

1 contact information within 5 days of receiving notice of a  
2 change. The Advocacy Office for Children and Families,  
3 established pursuant to Section 5e of the Children and Family  
4 Services Act, must make this contact information available to  
5 the minor, current foster parent or caregiver, or caseworker,  
6 if requested.

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

12 (6) A guardian ad litem appointed under this Section,  
13 shall receive copies of any and all classified reports of  
14 child abuse and neglect made under the Abused and Neglected  
15 Child Reporting Act in which the minor who is the subject of a  
16 report under the Abused and Neglected Child Reporting Act, is  
17 also the minor for whom the guardian ad litem is appointed  
18 under this Section.

19 (6.5) A guardian ad litem appointed under this Section or  
20 attorney appointed under this Act shall receive a copy of each  
21 significant event report that involves the minor no later than  
22 3 days after the Department learns of an event requiring a  
23 significant event report to be written, or earlier as required  
24 by Department rule.

25 (7) The appointed guardian ad litem shall remain the  
26 minor's guardian ad litem throughout the entire juvenile trial

1 court proceedings, including permanency hearings and  
2 termination of parental rights proceedings, unless there is a  
3 substitution entered by order of the court. A parent may  
4 request one substitution of a guardian ad litem during the  
5 entire juvenile court proceedings, upon request to the judge.  
6 The judge shall review the request and grant the substitution  
7 if the judge finds that the parent has good cause for believing  
8 that the guardian ad litem is not fulfilling his or her duties.

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

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

1 Services shall develop and distribute to all guardians ad  
2 litem a bibliography containing information including but not  
3 limited to the juvenile court process, termination of parental  
4 rights, child development, medical aspects of child abuse,  
5 effects of trauma and household domestic violence on children  
6 and teens, mental health disorders, and the child's need for  
7 safety and permanence.

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