

## ILLINOIS

<p>Structure, organization, and delivery of Child Representation State-by-state, county-by-county, etc.</p>	<p>Courts appoint the child representative. Each circuit may create its own requirements, and maintains its own lists of GALs. (a) Statement of Purpose. This rule is promulgated to insure that counsel who are appointed by the court to participate in child custody and visitation matters, as delineated in Rule 900(b)(2), possess the ability, knowledge, and experience to do so in a competent and professional manner. To this end, each circuit court of this state shall develop a set of qualifications and educational requirements for attorneys appointed by the court to represent children in child custody cases and guardianship cases when custody or visitation is an issue and shall further develop a plan for the procurement of qualified attorneys in accordance with the plan. <a href="#">ILL. SUP. CT. R. 906.</a></p>
<p>Funding Child Representation</p>	<p>§ 6-7. Financial responsibility of counties. (1) Each county board shall provide in its annual appropriation ordinance or annual budget, as the case may be, a reasonable sum for payments for the care and support of minors, and for payments for court appointed counsel in accordance with orders entered under this Act in an amount which in the judgment of the county board may be needed for that purpose. Such appropriation or budget item constitutes a separate fund into which shall be paid not only the moneys appropriated by the county board, but also all reimbursements by parents and other persons and by the State. <a href="#">705 ILL. COMP. STAT. 405/6-7.</a></p>
<p>1. General Duties: Timely appointment, mandatory or discretionary, attorney or lay person, represent child's interests, undertake basic obligations, address conflict situations, address special needs and disabilities, and accommodate client preferences.</p>	<p>The minor who is the subject of the proceeding have...the right to be represented by counsel... Counsel appointed for the minor...shall appear at all stages of the trial court proceeding, and such appointment shall continue through the permanency hearings and termination of parental rights proceedings subject to withdrawal or substitution. <a href="#">705 ILL. COMP. STAT. § 405/1-5(1).</a></p> <p>No hearing on any petition or motion filed...may be commenced unless the minor who is the subject of the proceeding is represented by counsel. Notwithstanding the preceding sentence, if a GAL has been appointed for the minor and the GAL is a licensed Illinois attorney, or in the event that a CASA has been appointed as GAL and counsel has been appointed to represent the CASA, the court may not require the appointment of counsel to represent the minor unless the court finds that the minor's interests are in conflict with what the GAL determines to be in the best interest of the minor. <a href="#">705 ILL. COMP. STAT. § 405/1-5(1).</a></p> <p>The GAL shall represent the best interests of the minor and shall present recommendations to the court consistent with that duty. <a href="#">705 ILL. COMP. STAT. § 405/2-17(1).</a></p> <p>The court may appoint a GAL for the minor whenever it finds that there may be a conflict of interest between the child and his parents or other custodian or that it is otherwise in the minor's best interests to do so. <a href="#">705 ILL. COMP. STAT. § 405/2-17(3).</a></p> <p>The appointed GAL shall remain the child's GAL throughout the entire juvenile trial court proceedings, including permanency hearings and termination of parental rights proceedings, unless there is a substitution entered by order of the court. <a href="#">705 ILL. COMP. STAT. § 405/2-17(7).</a></p>

	<p>When a client’s ability to make adequately considered decisions in connection with the representation is impaired, whether because of minority...the lawyer shall, as far as reasonably possible, maintain a normal client-lawyer relationship. <a href="#">ILL. R. PROF. CONDUCT 1.14(a)</a>.</p>
<p>2. Out of Court - Actions to be Taken: Meet with child, undertake an investigation, provide advice and counseling, file pleadings, request services, address special needs, negotiate settlements</p>	<p>The GAL or an agent of the GAL shall have a minimum of one in-person contact with the minor and one contact with one of the current foster parents or caregivers prior to the adjudicatory hearing, and at least one additional in-person contact with the child and one contact with one of the current foster parents or caregivers after the adjudicatory hearing but prior to the first permanency hearing and one additional in-person contact with the child and one contact with one of the current foster parents or caregivers each subsequent year. For good cause shown, the judge may excuse face-to-face interviews required in this subsection. <a href="#">705 ILL. COMP. STAT. § 405/2-17(8)</a>.</p> <p>(b) Every child representative, attorney for a minor child and guardian <i>ad litem</i> shall have the right to interview his or her client(s) without any limitation or impediment. Upon appointment of a child representative, attorney for the child or guardian <i>ad litem</i>, the trial court shall enter an order to allow access to the child and all relevant documents.</p> <p>(c) As soon as practicable, the child representative, attorney for the child or guardian <i>ad litem</i> shall interview the child, or if the child is too young to be interviewed, the attorney should, at a minimum, observe the child. The child representative, attorney for the child or guardian <i>ad litem</i> shall also take whatever reasonable steps are necessary to obtain all information pertaining to issues affecting the child, including interviewing family members and others possessing special knowledge of the child’s circumstances.</p> <p>(d) The child representative, attorney for the child or guardian <i>ad litem</i> shall take whatever reasonable steps are necessary to determine what services the family needs to address the custody dispute, make appropriate recommendations to the parties, and seek appropriate relief in court, if required, in order to serve the best interest of the child.</p> <p>(e) The child representative, attorney for the child or guardian <i>ad litem</i> shall determine whether a settlement of the custody dispute can be achieved by agreement, and, to the extent feasible, shall attempt to resolve such disputes by an agreement that serves the best interest of the child. <a href="#">ILL. SUP. CT. R. 907</a>.</p>
<p>3. In Court – Active Participation in Hearings: Appear in court, explain proceedings to client, present evidence, ensure child is present, expand scope of representation into other needed areas, and undertake certain obligations post-disposition.</p>	<p>... Counsel appointed for the minor...shall appear at all stages of the trial court proceeding, and such appointment shall continue through the permanency hearings and termination of parental rights proceedings subject to withdrawal or substitution. <a href="#">705 ILL. COMP. STAT. § 405/1-5(1)</a>.</p>
<p>4. Post-Hearing: Review courts order, communicate order to child, and monitor</p>	<p><i>No explicit legal authority or requirement for GAL or counsel.</i></p>

implementation of orders	
5. Appellate Advocacy: Decision to appeal, withdrawal, participation in appeal, conclusion by appeal.	<i>No explicit legal authority or requirement.</i>
6. Cessation of Representation: Contacts post representation, if any	<p><i>No explicit legal authority or requirement pertaining to counsel.</i></p> <p>(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. <a href="#">705 ILL. COMP. STAT. 405/2-17.1.</a></p>
7. General Representation Rules: Administrative structure is clear for appointment, support and accountability of the CR. The child's representative is independent from the court	<p>Immediately upon the filing of a petition alleging that the minor is [an abused, neglected, or dependent minor, or the victim of a sexual offense], the court shall appoint a GAL for the minor. Unless the GAL...is an attorney at law he shall be represented in the performance of his duties by counsel. The GAL shall represent the best interests of the minor and shall present recommendations to the court consistent with that duty. <a href="#">705 ILL. COMP. STAT. § 405/2-17(1).</a></p> <p>Before proceeding with the hearing, the court shall appoint a guardian ad litem for the minor if (a) no parent, guardian, custodian or relative of the minor appears at the first or any subsequent hearing of the case; (b) the petition prays for the appointment of a guardian with power to consent to adoption; or (c) the petition for which the minor is before the court resulted from a report made pursuant to the Abused and Neglected Child Reporting Act, 325 ILL. COMP. STAT. § 5/1 et seq. <a href="#">705 ILL. COMP. STAT. § 405/2-17(2).</a></p> <p>The court may appoint a CASA upon the filing of a petition [alleging child abuse or neglect] or at any time during the pendency of a [dependency] proceeding. Except in counties with a population over 3,000,000, the court-appointed special advocate (CASA) may also serve as GAL. <a href="#">705 ILL. COMP. STAT. § 405/2-17.1(1).</a></p>
8. Lawyer Training: Child representative trained, on-going training provided, new attorneys provided senior lawyer mentorship.	<p>In counties with a population of 100,000 or more but less than 3,000,000, each guardian ad litem must successfully complete a training program approved by the Department of Children and Family Services. The Department of Children and Family Services shall provide training materials and documents to guardians ad litem who are not mandated to attend the training program. The Department of Children and Family Services shall develop and distribute to all guardians ad litem a bibliography containing information including but not limited to the juvenile court process, termination of parental rights, child development, medical aspects of child abuse, and the child's need for safety and permanence. <a href="#">705 ILL. COMP. STAT. § 405/2-17(9).</a></p> <p>In any county in which a program of CASAs 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. <a href="#">705 ILL. COMP. STAT. § 405/2-17.1(7).</a></p>

<p>9. Lawyer Compensation: Adequate and timely compensation, reimbursement provided for expenses.</p>	<p>The reasonable fees of a...shall be fixed by the court and charged to the parents of the minor, to the extent they are able to pay. If the parents are unable to pay those fees, they shall be paid from the general fund of the county. <a href="#">705 ILL. COMP. STAT. 405/2-17(5)</a>.</p>
<p>10. Caseload Levels: Caseloads are of a manageable size.</p>	<p><i>No explicit legal authority or requirement.</i></p>