

ILLINOIS	Legal Authority
	<p data-bbox="737 224 2011 248">GENERAL DUTIES AND ACTIVITIES OF THE CHILD’S LEGAL REPRESENTATIVE</p> <p data-bbox="737 256 2011 378">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. 705 Ill. Comp. Stat § 405/1-5(1).</p> <p data-bbox="737 410 2011 589">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. 705 Ill. Comp. Stat § 405/1-5(1).</p> <p data-bbox="737 621 2011 743">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. 705 Ill. Comp. Stat § 405/2-17(1).</p> <p data-bbox="737 776 2011 833">The GAL shall represent the best interests of the minor and shall present recommendations to the court consistent with that duty. 705 Ill. Comp. Stat § 405/2-17(1).</p> <p data-bbox="737 865 2011 1019">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. 705 Ill. Comp. Stat § 405/2-17(2).</p> <p data-bbox="737 1052 2011 1141">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. 705 Ill. Comp. Stat § 405/2-17(3).</p> <p data-bbox="737 1174 2011 1198">Unless the GAL is an attorney, [the child] shall be represented by counsel. 705 Ill. Comp. Stat § 405/2-17(4).</p> <p data-bbox="737 1230 2011 1320">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. 705 Ill. Comp. Stat § 405/2-17(7).</p> <p data-bbox="737 1352 2011 1442">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. 705 Ill. Comp. Stat § 405/2-17.1(1).</p> <p data-bbox="737 1450 2011 1466">The CASA...shall work with the parties' attorneys, the GAL, and others assigned to the minor's case to protect the</p>

	<p>minor's health, safety and best interests and insure the proper delivery of child welfare services. 705 Ill. Comp. Stat § 405/2-17.1(2).</p> <p>The court may remove the CASA or the GAL from a case upon finding that CASA or the GAL has acted in a manner contrary to the child's best interest or if the court otherwise deems continued service is unwanted or unnecessary. 705 Ill. Comp. Stat § 405/2-17.1(6).</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. Il. R. Prof. Conduct 1.14(a).</p>
<p>2. Out of Court - Actions to be Taken: <i>Meet with child, undertake an investigation, provide advice and counseling, file pleadings, request services, address special needs, negotiate</i></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. 705 Ill. Comp. Stat § 405/2-17(8).</p>
<p>3. In Court - Active Participation in Hearings: <i>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.</i></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. 705 Ill. Comp. Stat § 405/1-5(1).</p> <p><i>Otherwise, no explicit legal requirements.</i></p>
<p>4. Post-Hearing: <i>Review courts order, communicate order to child, and monitor implementation of orders.</i></p>	<p><i>No explicit legal authority or requirement for GAL or counsel.</i></p> <p>The CASA...shall work with the parties' attorneys, the GAL, 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. 705 Ill. Comp. Stat § 405/2-17.1(2).</p> <ol style="list-style-type: none"> 1. The CASA shall act as a monitor and shall be notified of all administrative case reviews pertaining to the minor and work with the parties' attorneys, the GAL, 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. The court may consider, at its discretion, testimony of the CASA pertaining to the well-being of the child. 705 Ill. Comp. Stat § 405/2-17.1(2).
<p>5. Appellate Advocacy: <i>Decision to</i></p>	<p><i>No explicit legal authority or requirement.</i></p>

<i>appeal, withdrawal, participation in appeal, conclusion by appeal.</i>	
6. Cessation of Representation: <i>Contacts post representation, if any.</i>	<i>No explicit legal authority or requirement.</i>
	Organizational and Administrative Supports Provided the Representative
7. General Representation Rules: <i>The administrative structure is clear for appointment, support and accountability of the CR. Child's representative is independent from the court</i>	Uniform legally binding rules as to duties of child's representative are limited. Administrative structure and independence from the court for CR is not clear.
8. Lawyer Training: <i>Child representative trained, on-going training provided, new attorneys provided senior lawyer mentorship.</i>	<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. 705 Ill. Comp. Stat § 405/2-17(9).</p> <p>CASAs shall...receive training consistent with nationally developed standards. 705 Ill. Comp. Stat § 405/2-17.1(3).</p> <p>No person convicted of a criminal offense as specified in Section 4.2 of the Child Care Act of 1969, 225Ill. Comp. Stat. 10/4.2 [most felony offenses], 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. 705 Ill. Comp. Stat § 405/2-17.1(4).</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. 705 Ill. Comp. Stat § 405/2-17.1(7).</p>
9. Lawyer Compensation: <i>Adequate and timely compensation, reimbursement provided for expenses.</i>	<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. 705 Ill. Comp. Stat. 405/2-17(5).</p> <p>CASAs shall serve as volunteers without compensation. 705 Ill. Comp. Stat § 405/2-17.1(3).</p>

	All costs associated with the appointment and duties of the CASA shall be paid by the CASA or an organization of CASAs. In no event shall the CASA be liable for any costs of services provided to the child. 705 Ill. Comp. Stat § 405/2-17.1(5) .
10. Caseload Levels: <i>Caseloads are of a manageable size.</i>	<i>No explicit legal authority or requirement.</i>