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**IN THE SIXTEENTH JUDICIAL CIRCUIT**

**GENERAL ORDER 14-31**

*Effective October 17, 2014*

*Thomas M. Hartung*  
Clerk of the Circuit Court  
Kane County, IL  
  
OCT 17 2014  
  
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ENTERED

IN THE MATTER OF )  
CASA )  
KANE COUNTY )  
)  
)  
)

**WHEREAS**, CASA Kane County, Inc., an Illinois not-for-profit corporation, has operated in Kane County since 1988 as an organization of sworn and trained volunteers accepting appointment by the Court to investigate facts involving cases of alleged child abuse and neglect, report findings and submit recommendations as to the best interests of the child(ren) to the Court; and

**WHEREAS**, 705 ILCS 405/2-17.1 permits a Court Appointed Special Advocate to serve as Guardian ad Litem ("CASA GAL") by appointment of the court in proceedings conducted under Article II Abused, Neglected or Dependent Minors of the Juvenile Court Act of 1987 ("JCA"); and

**WHEREAS**, commencing in 2004, CASA Kane County has accepted appointment by the Court as Guardian ad Litem in minor guardianship proceedings brought under 755 ILCS 5/11-1, *et seq.* of the Probate Act of 1975 ("Probate Act"); and

**WHEREAS**, commencing upon the effective date of this order, when already appointed as CASA GAL for any child under the JCA Article II Abused, Neglected or Dependent Minors and while such case is pending, CASA Kane County has consented to accept additional appointment(s) by the Court as Guardian ad Litem for such child(ren) in proceedings filed under other provisions of the JCA, specifically, Article III Minors Requiring Authoritative Intervention 705 ILCS 405/3-19, Article IV Addicted Minors 705 ILCS 405/4-16, and Article V Delinquent Minors 705 ILCS 405/5-610.

**WHEREFORE, IT IS HEREBY ORDERED:**

1. Before undertaking assignment in any case as a volunteer or employee of CASA Kane County, each employee, and/or volunteer acting as CASA GAL, shall by oath or affirmation agree to faithfully perform the duties set forth in this General Order and as required by law. Such oath or affirmation shall be administered by the Judge presiding in Child Protection Court, or Presiding Judge of the Juvenile Division, or the Chief Judge of the Sixteenth Judicial Circuit, or such other judge as assigned.
2. In proceedings brought under the JCA Article II Abused, Neglected or Dependent Minors, the judge presiding may by written order appoint CASA Kane County as the CASA GAL of the child(ren) alleged to be abused, neglected and/or dependent, in accordance with 705 ILCS 405/2-17 and 705 ILCS 405/2-17.1.

3. Once such an order is entered appointing CASA Kane County as the CASA GAL of the child(ren) alleged to be abused, neglected and/or dependent, and for so long as such proceedings are pending, a Court may enter additional written orders appointing CASA Kane County as CASA GAL for such child(ren) in proceedings filed under other provisions of the JCA, specifically, Article III, Minors Requiring Authoritative Intervention 705 ILCS 405/3-19, Article IV Addicted Minors 705 ILCS 405/4-16, and Article V Delinquent Minors 705 ILCS 405/5-610.
4. In minor guardianship proceedings brought under 755 ILCS 5/11-1 *et seq.* of the Probate Act, the judge presiding may by written order appoint CASA Kane County as the CASA GAL of the child(ren).
5. The Presiding Judge of the Juvenile Division or the Chief Judge shall determine which juvenile court room shall hear all cases concerning any child with more than one proceeding pending under the JCA, or under the JCA and the Probate Act.
6. Whenever a written order is entered by a Court appointing CASA Kane County, a copy of such order shall be sent by the Circuit Clerk of the Court to the administrative office of CASA Kane County.
7. CASA Kane County is granted leave to sue or defend without cost in the proceedings when appointed.
8. Upon receipt of any order of appointment, CASA Kane County shall assign one or more of its sworn and trained volunteers as the CASA GAL appointed to the particular proceedings.
9. The appointed CASA GAL shall have all the usual powers, duties, rights, privileges and standing of Guardian ad Litem provided under law when so appointed, in addition to the powers and duties stated herein. The CASA GAL so appointed shall comply with those duties set forth in this General Order and as required by law.
10. Duties of a CASA GAL include but are not limited to:
  - a. interviews of the child(ren);
  - b. interviews of family members, foster family members, and any persons living in the residence or proposed residence of the child(ren);
  - c. interviews of other persons with relevant information about the child(ren), the child(ren)'s well-being, and the placement of the child(ren), such as teachers, social workers, friends, counselors, therapists, treating medical personnel, and employers;
  - d. investigation of available placement alternatives for the child(ren), including, but not limited to, relatives, foster placement and group homes;
  - e. investigation of the involved parties in guardianship proceedings under the Probate Act, including review of relevant criminal history of any involved party acting as, or being considered for appointment as, the guardian of the

child(ren), and report on eligibility as referenced within 755 ILCS 5/11-3(a)(5);

- f. preparation of a written report to be submitted as directed to the Court no less than two (2) days prior to the scheduled hearing, which report shall set forth:
  - i. facts and findings as to a-e above; and
  - ii. recommendations as to disposition and the best interests of the child(ren), except in those proceedings under the JCA Article V Delinquent Minors where recommendations shall be limited to 705 ILCS 405/5-101(1)(c); and except where otherwise ordered by the Court;
- g. appearance in Court at the scheduled hearings;
- h. continued contact with the child(ren), family members, and/or others as ordered by the Court to monitor progress;
- i. submission of supplemental written reports to the Court concerning changes in circumstances, and where appropriate, recommendations for modifications in disposition or compliance with the orders of the Court;

11. For the purpose of carrying out his/her duties, a CASA GAL shall have the right, privilege, and standing to:

- a. receive copies of all notices, pleadings and other documents filed in the case;
- b. actual notice of any Court proceedings sought or scheduled, including emergency relief;
- c. attend and participate as permitted by the Court in any court proceeding, except the CASA GAL, although retaining the right to be present, shall be prohibited from actively participating in evidentiary hearings which are pre-adjudicatory and/or adjudicatory on any delinquency petition conducted pursuant to the JCA Article V Delinquent Minors;
- d. review and receive copies of all records and reports relevant to the proceedings, including but not limited to:
  - i. the court file where appointed;
  - ii. law enforcement records pertaining to the circumstances of the proceedings;
  - iii. medical records of the child(ren);
  - iv. counseling records of the child(ren);
  - v. reports of Court Services and/or its contracted agencies relating to the child;
  - vi. reports of Court Services relating to the relevant criminal history of any involved party acting as, or being considered for appointment as, the guardian of the child(ren) under the Probate Act;
  - vii. reports and records of D.C.F.S. and/or its contracted agencies relating to the child(ren);
  - viii. reports and/or records of Court Services and D.C.F.S. and/or their contracted agencies pertaining to the parents or guardians or foster parents of the child(ren), unless specifically exempt from

disclosure under the AIDS Confidentiality Act (410 ILCS 305), the Mental Health and Developmental Disabilities Confidentiality Act (740 ILCS 110), the Alcoholism and Other Drug Abuse and Dependency Act (20 ILCS 301/30-5), the Child Sexual Abuse Prevention Act (325 ILCS 15/5), and/or other statutes and/or regulations;

- e. where other parties or counsel are so permitted, attend D.C.F.S. or Court Services or other public or private agency meetings or conferences pertaining to the child(ren) and/or the parents or guardians or foster parents of the child(ren), except for those meetings or conferences subject to the attorney-client or other privilege or when otherwise not allowed by rule, regulation, or statute.
12. Disclosure to a third-party of any information or document received pursuant to appointment as CASA GAL by any CASA employee or volunteer is prohibited, unless within the scope of duties imposed by, or as required by, law, this General Order, or specific court order.
13. CASA written reports filed in minor guardianship proceedings brought under 755 ILCS 5/11-1, et seq. of the Probate Act, shall be impounded by the Circuit Clerk in accordance with the procedures provided by the Illinois Supreme Court's General Administrative Order on Recordkeeping. Such reports shall be opened for examination only upon written order of court, which order shall name the person or persons who are to be permitted to examine the report.
14. Unless otherwise specifically ordered, appointment of CASA Kane County and the CASA GAL shall be considered terminated and all obligations discharged upon the entry of a final order either establishing permanency for the child or dismissing the case.
15. As provided by law, any CASA GAL acting in good faith within the scope of his or her appointment shall have immunity from any civil or criminal liability that otherwise might result by reason of his or her actions, except in cases of willful and wanton misconduct. For the purpose of any civil or criminal proceedings, the good faith of any court appointed special advocate shall be presumed.
16. This Order amends and supersedes General Orders 94-23 and 04-01, and is effective upon date of entry.

Entered this 17<sup>th</sup> day of October, 2014



Chief Judge Judith M. Brawka