



**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, COUNTY DIVISION**

**Administrative Order 2017-2**

**Subject: Appointment and Duties of Guardians ad Litem in Adoption Cases**

1. Definitions: Petitioner means Petitioner(s) including the plural, whether represented by counsel or self-represented. Adoptee means Adoptee(s) singular or plural as appropriate to the context.
2. The Guardian ad Litem (hereinafter "GAL") will be appointed at earlier of the time of initial presentment or the entry of any Interim Order. It shall be the duty of Petitioner to furnish the appointed GAL with a copy of the Petition for Adoption, Interim Order and any other material normally provided to the GAL in similar cases. In adoptions where the GAL is appointed as investigator, counsel shall deliver a completed original Affidavit in Support of Adoption as provided on the County Division website. Petitioner shall provide the GAL documentation and shall further comply with the "Appointment of Guardian ad Litem for a Minor Child" sheet which is available in the courtroom, as amended from time to time. All required documents must be provided to the GAL no later than 14 days prior to the scheduled finalization date.
3. As a convenience, the Presiding Judge's Office will accept such documents for delivery to the GAL's mail slot. Petitioner should be aware that the documents will be picked up by the GAL as their schedule permits.
4. The Court will also determine if an investigation is necessary pursuant to 750 ILCS 50/6 and enter the appropriate order at the time of initial presentment.
5. In all cases, the GAL shall file an appearance as GAL for the adoptee [hereinafter "adoptee" adoptee shall include the plural] within 14 days of appointment. From the date of appointment, the GAL shall receive notice of all requests for relief made to the Court by any party as required by either the Rules of the Illinois Supreme Court or the Circuit Court of Cook County. The GAL may file any response deemed necessary to advance the best interest of the adoptee.
6. If the GAL chooses, an answer may be filed on behalf of the adoptee. This pleading must

comply with 735 ILCS 5/2-610. No default will be entered against an adoptee for the failure to file an answer absent an order compelling the filing of such pleading. Copies of all filings by the GAL shall be furnished to all parties who have properly appeared and are not in default.

7. The GAL shall, in addition to the above, do the following:

- A. Review court file in each case to make certain that pleadings are proper, service is effected on all necessary parties, and that parental rights, as required in each case, have been finally and properly terminated. For cases where termination took place in Cook County, the Clerk of Court will verify the finality of any parallel Juvenile Court proceedings. In cases where the parental rights were terminated in Juvenile Court proceedings in another Illinois County or State, it shall be the responsibility of the Petitioner to obtain or provide an Affidavit that the appropriate Appellate Court records in the jurisdiction where the termination took place confirm there is no pending appeal and all appeal rights are extinguished.
- B. In all cases where the Petitioner is related to the adoptee as defined by 750 ILCS 50/1 B, and where no agency investigative report has been prepared, the GAL shall have the discretion to meet with the adoptee in an appropriate setting to determine the adoptee's position concerning the proposed adoption. In such cases where one of the Petitioners is the step-parent of the adoptee, the GAL shall obtain and review all documents necessary to determine whether the adoptee is available for adoption and the Petitioners' legal relationship to each other and the adoptee. The GAL is appointed to represent the adoptee's best interest and not the expressed preference of the adoptee. In those cases where a conflict arises in those positions, the GAL shall act in accordance with the suggestions of the American Bar Association standards and seek appointment of a successor GAL and remain in the case to zealously advocate the adoptee's position.
- C. Remain apprised of all situations which affect the adoptee's status quo as it existed at the time of the entry of the Interim Order.
- D. Attend and participate in all contested and/or settlement hearings or conferences in the case, unless otherwise ordered by the court. Conduct all necessary discovery in connection therewith.
- E. In cases where the parental rights of the adoptee's biological parents have been terminated in a Juvenile Court proceeding which remains pending, contact the adoptee's Guardian ad Litem in those proceedings to determine if anything has arisen in the adoptee's life that remains to be brought to the attention of the Juvenile Court Judge or Adoption Court Judge which the Juvenile Court Guardian *ad Litem* believes would be relevant to the decision to be made by this Court. The accounts received should be analyzed by the GAL to determine whether such information should be brought to the attention of the Court. If so, the GAL should file the appropriate motion for leave to obtain any and all supporting material

which the GAL deems relevant to the adoptee's best interest. All parties shall be aware that this court is not sitting for review of decisions made terminating parental rights in other courts.

- F. Review the investigative report(s) prepared in connection with the adoption and investigate any issues that arise in the report which adversely impacts what the GAL believes is in the adoptee's best interest. Absent the known existence of contrary facts or an inherent inconsistency in the investigative report, the GAL is presumed to be acting in a reasonable manner by relying on the facts set out in the investigative report without undertaking any independent investigation.
- G. In all adoptions where no investigative report is prepared by a licensed private agency or government agency with authority to provide said report, for Court review, Petitioner shall provide to the GAL shall obtain and review a Criminal History from the Illinois State Police and FBI as a result of a fingerprint search, a CANTS and Sex Offender Registry search on any Petitioner or adult resident in the adoptee's home, who is not related to the adoptee as a biological or legal parent. Additional information as set forth in the "Appointment of Guardian ad Litem for a Minor Child" shall also be provided to the GAL. A person holding a license issued by the State of Illinois, the Judiciary of this State, or employed by any private or public entity that requires, as a condition of licensure or continued employment a criminal background check may satisfy this requirement by filing with the court a statement from such employer, on official letterhead, that a criminal background check was conducted in the past year and no disqualifying offenses were disclosed. Petitioner may obtain waivers of the criminal history check for good cause on a case by case basis by a properly noticed Motion seeking such relief.
- H. If no investigative report has been required by the Court and it comes to the attention of the GAL that a petitioner and/or adult resident in the adoptee's home, who is not the biological parent of the adoptee has committed any offense involving sexual abuse of any person, physical abuse or abandonment of a adoptee or been convicted of any felony offense, as defined by the laws of the jurisdiction in which it occurred, the GAL may petition the Court to order an investigative report prior to the entry of a judgment of adoption. Nothing herein shall preclude the GAL from requesting the Court to order a new or additional investigative report in any case where the GAL believes that such information will be relevant and necessary to the Court's resolution of the matter. "Committed any offense" includes any offense for which there has been an adjudication of guilt regardless of whether or not a judgment was entered, e.g. a supervisory disposition.

- I. In all cases, in lieu of an answer, file with the Court a report as to what is in the best interest of the adoptee based upon a review of all available data. If the GAL concludes that the adoption is in the best interest of the adoptee, a consent to the adoption should be filed by the GAL in all cases where the adoptee is under the age of 14.

Entered:

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Honorable Sharon M. Sullivan  
Presiding Judge, County Division