

Rule 907. Minimum Duties and Responsibilities of Attorneys for Minor Children

(a) Every child representative, attorney for a child and guardian *ad litem* shall adhere to all ethical rules governing attorneys in professional practice, be mindful of any conflicts in the representation of children and take appropriate action to address such conflicts.

(b) Every child representative, attorney for a minor child and guardian *ad litem* 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 *ad litem*, the trial court shall enter an order to allow access to the child and all relevant documents.

(c) As soon as practicable, the child representative, attorney for the child or guardian *ad litem* 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 *ad litem* 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.

(d) The child representative, attorney for the child or guardian *ad litem* shall take whatever reasonable steps are necessary to determine what services the family needs to address the custody or allocation of parental responsibilities 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.

(e) The child representative, attorney for the child or guardian *ad litem* shall determine whether a settlement of the custody or allocation of parental responsibilities 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.

[Adopted February 10, 2006, effective July 1, 2006; amended Mar. 8, 2016, eff. immediately.](#)

Committee Comments

Special Supreme Court Committee on Child Custody Issues

Rule 907 establishes minimum standards of practice for attorneys who represent children.

Paragraph (a) sets out the responsibility of an attorney representing a child in any capacity to act in accordance with the rules of ethics and avoid conflicts of interest.

Paragraphs (b) and (c) provide guidance on the attorney's essential duty of investigation: the duty to determine the child's circumstances and the family's needs. In aid of this duty, the rule provides specifically that an attorney has the right to interview a child client without limitation or impediment. Paragraph (b) also provides that the trial court shall enter an order allowing the child representative, attorney for the child or guardian *ad litem* access to all relevant documents.

Paragraph (d) addresses advocacy. The attorney for a child is required to make appropriate recommendations to the parties, seek resolution by agreement where it is in the best interests of the child, and seek relief on behalf of the child in court, when needed.

The Special Committee is aware that the American Bar Association and the National Conference of Commissioners on Uniform State Laws have taken the position that there should be three distinct types of appointments: (1) a child's attorney, who provides independent legal counsel

in the same manner as to an adult client; (2) a “best interest attorney,” such as Illinois’ child representatives, who provide independent legal services for the child’s best interests but who does not make general “recommendations”; (3) a guardian *ad litem*, who gathers information for the court and helps identify other needed services for the child or family.

In its Standards of Practice for Attorneys Representing Children in Custody Cases, the ABA recommended that attorneys not serve as GALs unless they do so as would a non-lawyer. However, the Illinois Marriage and Dissolution of Marriage Act mandates that GALs appointed under the Act be attorneys and that they may actually act in *loco parentis* for the child. See 750 ILCS 5/506. It is the position of the Special Committee that none of these concerns require changes in the language of Rule 907 or any other rule.