



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3886

Introduced 2/22/2021, by Rep. Lakesia Collins

SYNOPSIS AS INTRODUCED:

705 ILCS 405/2-10.3 new
705 ILCS 405/2-17

from Ch. 37, par. 802-17

Amends the Juvenile Court Act of 1987. Provides that any party may file a motion requesting the court to review the decision of a temporary custodian or guardian appointed under the Act to deny a minor under the age of 18 access to the media. Provides that the Department of Children and Family Services bears the burden of demonstrating by clear and convincing evidence that its decision to deny the minor access to the media is in the minor's best interest. Provides that, in making its determination, the court shall weigh specified factors. Provides that the Department of Children and Family Services shall provide notice to a minor's guardian ad litem and attorney appointed under this Act any time that the Department, in its capacity as the minor's temporary custodian or guardian, denies a request by the media to speak with the minor. The Department shall provide the notice within one business day of its decision. The notice must at a minimum include the following: the name of the child, the name of the media, the date of the inquiry from the media, and the rationale for the Department's decision.

LRB102 17071 RLC 22499 b

1 AN ACT concerning courts.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Juvenile Court Act of 1987 is amended by
5 changing Section 2-17 and by adding Section 2-10.3 as follows:

6 (705 ILCS 405/2-10.3 new)

7 Sec. 2-10.3. Media access to minor. Any party may file a
8 motion requesting the court to review the decision of a
9 temporary custodian or guardian appointed under this Act to
10 deny a minor under the age of 18 access to the media. The
11 Department of Children and Family Services bears the burden of
12 demonstrating by clear and convincing evidence that its
13 decision to deny the minor access to the media is in the
14 minor's best interest. In making its determination, the court
15 shall weigh the following factors in addition to considering
16 the best interests factors listed in subsection (4.05) of
17 Section 1-3:

18 (1) the minor's right to free speech under the First
19 Amendment to the Constitution of the United States and
20 Section 4 of Article I of the Illinois Constitution;

21 (2) the minor's level of maturity and ability to
22 appreciate the consequences of his or her actions in
23 talking with the media;

1 (3) the reasons the temporary custodian or guardian is
2 denying access;

3 (4) the ability and willingness of the media outlet to
4 respect the minor's privacy by, for example, using
5 pseudonyms and limiting photographs of the minor, if
6 requested by the minor; and

7 (5) any other factor the court deems relevant.

8 (705 ILCS 405/2-17) (from Ch. 37, par. 802-17)

9 Sec. 2-17. Guardian ad litem.

10 (1) Immediately upon the filing of a petition alleging
11 that the minor is a person described in Sections 2-3 or 2-4 of
12 this Article, the court shall appoint a guardian ad litem for
13 the minor if:

14 (a) such petition alleges that the minor is an abused
15 or neglected child; or

16 (b) such petition alleges that charges alleging the
17 commission of any of the sex offenses defined in Article
18 11 or in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50,
19 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the
20 Criminal Code of 1961 or the Criminal Code of 2012, have
21 been filed against a defendant in any court and that such
22 minor is the alleged victim of the acts of defendant in the
23 commission of such offense.

24 Unless the guardian ad litem appointed pursuant to this
25 paragraph (1) is an attorney at law, he shall be represented in

1 the performance of his duties by counsel. The guardian ad
2 litem shall represent the best interests of the minor and
3 shall present recommendations to the court consistent with
4 that duty.

5 (2) Before proceeding with the hearing, the court shall
6 appoint a guardian ad litem for the minor if:

7 (a) no parent, guardian, custodian or relative of the
8 minor appears at the first or any subsequent hearing of
9 the case;

10 (b) the petition prays for the appointment of a
11 guardian with power to consent to adoption; or

12 (c) the petition for which the minor is before the
13 court resulted from a report made pursuant to the Abused
14 and Neglected Child Reporting Act.

15 (3) The court may appoint a guardian ad litem for the minor
16 whenever it finds that there may be a conflict of interest
17 between the minor and his parents or other custodian or that it
18 is otherwise in the minor's best interest to do so.

19 (4) Unless the guardian ad litem is an attorney, he shall
20 be represented by counsel.

21 (5) The reasonable fees of a guardian ad litem appointed
22 under this Section shall be fixed by the court and charged to
23 the parents of the minor, to the extent they are able to pay.
24 If the parents are unable to pay those fees, they shall be paid
25 from the general fund of the county.

26 (6) A guardian ad litem appointed under this Section,

1 shall receive copies of any and all classified reports of
2 child abuse and neglect made under the Abused and Neglected
3 Child Reporting Act in which the minor who is the subject of a
4 report under the Abused and Neglected Child Reporting Act, is
5 also the minor for whom the guardian ad litem is appointed
6 under this Section.

7 (6.5) A guardian ad litem appointed under this Section or
8 attorney appointed under this Act shall receive a copy of each
9 significant event report that involves the minor no later than
10 3 days after the Department learns of an event requiring a
11 significant event report to be written, or earlier as required
12 by Department rule.

13 (6.6) The Department of Children and Family Services shall
14 provide notice to a minor's guardian ad litem and attorney
15 appointed under this Act any time that the Department, in its
16 capacity as the minor's temporary custodian or guardian,
17 denies a request by the media to speak with the minor. The
18 Department shall provide the notice within one business day of
19 its decision. The notice must at a minimum include the
20 following: the name of the child, the name of the media, the
21 date of the inquiry from the media, and the rationale for the
22 Department's decision.

23 (7) The appointed guardian ad litem shall remain the
24 child's guardian ad litem throughout the entire juvenile trial
25 court proceedings, including permanency hearings and
26 termination of parental rights proceedings, unless there is a

1 substitution entered by order of the court.

2 (8) The guardian ad litem or an agent of the guardian ad
3 litem shall have a minimum of one in-person contact with the
4 minor and one contact with one of the current foster parents or
5 caregivers prior to the adjudicatory hearing, and at least one
6 additional in-person contact with the child and one contact
7 with one of the current foster parents or caregivers after the
8 adjudicatory hearing but prior to the first permanency hearing
9 and one additional in-person contact with the child and one
10 contact with one of the current foster parents or caregivers
11 each subsequent year. For good cause shown, the judge may
12 excuse face-to-face interviews required in this subsection.

13 (9) In counties with a population of 100,000 or more but
14 less than 3,000,000, each guardian ad litem must successfully
15 complete a training program approved by the Department of
16 Children and Family Services. The Department of Children and
17 Family Services shall provide training materials and documents
18 to guardians ad litem who are not mandated to attend the
19 training program. The Department of Children and Family
20 Services shall develop and distribute to all guardians ad
21 litem a bibliography containing information including but not
22 limited to the juvenile court process, termination of parental
23 rights, child development, medical aspects of child abuse, and
24 the child's need for safety and permanence.

25 (Source: P.A. 100-689, eff. 1-1-19; 101-81, eff. 7-12-19.)