

1 AN ACT concerning juveniles.

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 1-5 as follows:

6 (705 ILCS 405/1-5) (from Ch. 37, par. 801-5)

7 Sec. 1-5. Rights of parties to proceedings.

8 (1) Except as provided in this Section and paragraph (2)
9 of Sections 2-22, 3-23, 4-20, 5-610 or 5-705, the minor who
10 is the subject of the proceeding and his parents, guardian,
11 legal custodian or responsible relative who are parties
12 respondent have the right to be present, to be heard, to
13 present evidence material to the proceedings, to
14 cross-examine witnesses, to examine pertinent court files and
15 records and also, although proceedings under this Act are not
16 intended to be adversary in character, the right to be
17 represented by counsel. At the request of any party
18 financially unable to employ counsel, with the exception of a
19 foster parent permitted to intervene under this Section, the
20 court shall appoint the Public Defender or such other counsel
21 as the case may require. Counsel appointed for the minor and
22 any indigent party shall appear at all stages of the trial
23 court proceeding, and such appointment shall continue through
24 the permanency hearings and termination of parental rights
25 proceedings subject to withdrawal or substitution pursuant to
26 Supreme Court Rules or the Code of Civil Procedure. Following
27 the dispositional hearing, the court may require appointed
28 counsel, other than counsel for the minor or counsel for the
29 guardian ad litem, to withdraw his or her appearance upon
30 failure of the party for whom counsel was appointed under
31 this Section to attend any subsequent proceedings.

1 No hearing on any petition or motion filed under this Act
2 may be commenced unless the minor who is the subject of the
3 proceeding is represented by counsel. Notwithstanding the
4 preceding sentence, if a guardian ad litem has been appointed
5 for the minor under Section 2-17 of this Act and the guardian
6 ad litem is a licensed attorney at law of this State, or in
7 the event that a court appointed special advocate has been
8 appointed as guardian ad litem and counsel has been appointed
9 to represent the court appointed special advocate, the court
10 may not require the appointment of counsel to represent the
11 minor unless the court finds that the minor's interests are
12 in conflict with what the guardian ad litem determines to be
13 in the best interest of the minor. Each adult respondent
14 shall be furnished a written "Notice of Rights" at or before
15 the first hearing at which he or she appears.

16 (1.5) The Department shall maintain a system of response
17 to inquiry made by parents or putative parents as to whether
18 their child is under the custody or guardianship of the
19 Department; and if so, the Department shall direct the
20 parents or putative parents to the appropriate court of
21 jurisdiction, including where inquiry may be made of the
22 clerk of the court regarding the case number and the next
23 scheduled court date of the minor's case. Effective notice
24 and the means of accessing information shall be given to the
25 public on a continuing basis by the Department.

26 (2) (a) Though not appointed guardian or legal custodian
27 or otherwise made a party to the proceeding, any current or
28 previously appointed foster parent or relative caregiver, or
29 representative of an agency or association interested in the
30 minor has the right to be heard by the court, but does not
31 thereby become a party to the proceeding.

32 In addition to the foregoing right to be heard by the
33 court, any current foster parent or relative caregiver of a
34 minor and the agency designated by the court or the

1 Department of Children and Family Services as custodian of
2 the minor who is alleged to be or has been adjudicated an
3 abused or neglected minor under Section 2-3 or a dependent
4 minor under Section 2-4 of this Act has the right to and
5 shall be given adequate notice at all stages of any hearing
6 or proceeding under this Act.

7 Any foster parent or relative caregiver who is denied his
8 or her right to be heard under this Section may bring a
9 mandamus action under Article XIV of the Code of Civil
10 Procedure against the court or any public agency to enforce
11 that right. The mandamus action may be brought immediately
12 upon the denial of those rights but in no event later than 30
13 days after the foster parent has been denied the right to be
14 heard.

15 (b) If after an adjudication that a minor is abused or
16 neglected as provided under Section 2-21 of this Act and a
17 motion has been made to restore the minor to any parent,
18 guardian, or legal custodian found by the court to have
19 caused the neglect or to have inflicted the abuse on the
20 minor, a foster parent may file a motion to intervene in the
21 proceeding for the sole purpose of requesting that the minor
22 be placed with the foster parent, provided that the foster
23 parent (i) is the current foster parent of the minor or (ii)
24 has previously been a foster parent for the minor for one
25 year or more, has a foster care license or is eligible for a
26 license, and is not the subject of any findings of abuse or
27 neglect of any child. The juvenile court may only enter
28 orders placing a minor with a specific foster parent under
29 this subsection (2)(b) and nothing in this Section shall be
30 construed to confer any jurisdiction or authority on the
31 juvenile court to issue any other orders requiring the
32 appointed guardian or custodian of a minor to place the minor
33 in a designated foster home or facility. This Section is not
34 intended to encompass any matters that are within the scope

1 or determinable under the administrative and appeal process
2 established by rules of the Department of Children and Family
3 Services under Section 5(o) of the Children and Family
4 Services Act. Nothing in this Section shall relieve the
5 court of its responsibility, under Section 2-14(a) of this
6 Act to act in a just and speedy manner to reunify families
7 where it is the best interests of the minor and the child can
8 be cared for at home without endangering the child's health
9 or safety and, if reunification is not in the best interests
10 of the minor, to find another permanent home for the minor.
11 Nothing in this Section, or in any order issued by the court
12 with respect to the placement of a minor with a foster
13 parent, shall impair the ability of the Department of
14 Children and Family Services, or anyone else authorized under
15 Section 5 of the Abused and Neglected Child Reporting Act, to
16 remove a minor from the home of a foster parent if the
17 Department of Children and Family Services or the person
18 removing the minor has reason to believe that the
19 circumstances or conditions of the minor are such that
20 continuing in the residence or care of the foster parent will
21 jeopardize the child's health and safety or present an
22 imminent risk of harm to that minor's life.

23 (c) If a foster parent has had the minor who is the
24 subject of the proceeding under Article II in his or her home
25 for more than one year on or after July 3, 1994 and if the
26 minor's placement is being terminated from that foster
27 parent's home, that foster parent shall have standing and
28 intervenor status except in those circumstances where the
29 Department of Children and Family Services or anyone else
30 authorized under Section 5 of the Abused and Neglected Child
31 Reporting Act has removed the minor from the foster parent
32 because of a reasonable belief that the circumstances or
33 conditions of the minor are such that continuing in the
34 residence or care of the foster parent will jeopardize the

1 child's health or safety or presents an imminent risk of harm
2 to the minor's life.

3 (d) The court may grant standing to any foster parent if
4 the court finds that it is in the best interest of the child
5 for the foster parent to have standing and intervenor status.

6 (3) Parties respondent are entitled to notice in
7 compliance with Sections 2-15 and 2-16, 3-17 and 3-18, 4-14
8 and 4-15 or 5-525 and 5-530, as appropriate. At the first
9 appearance before the court by the minor, his parents,
10 guardian, custodian or responsible relative, the court shall
11 explain the nature of the proceedings and inform the parties
12 of their rights under the first 2 paragraphs of this Section.

13 If the child is alleged to be abused, neglected or
14 dependent, the court shall admonish the parents that if the
15 court declares the child to be a ward of the court and awards
16 custody or guardianship to the Department of Children and
17 Family Services, the parents must cooperate with the
18 Department of Children and Family Services, comply with the
19 terms of the service plans, and correct the conditions that
20 require the child to be in care, or risk termination of their
21 parental rights.

22 Upon an adjudication of wardship of the court under
23 Sections 2-22, 3-23, 4-20 or 5-705, the court shall inform
24 the parties of their right to appeal therefrom as well as
25 from any other final judgment of the court.

26 When the court finds that a child is an abused,
27 neglected, or dependent minor under Section 2-21, the court
28 shall admonish the parents that the parents must cooperate
29 with the Department of Children and Family Services, comply
30 with the terms of the service plans, and correct the
31 conditions that require the child to be in care, or risk
32 termination of their parental rights.

33 When the court declares a child to be a ward of the court
34 and awards guardianship to the Department of Children and

1 Family Services under Section 2-22, the court shall admonish
2 the parents, guardian, custodian, or responsible relative
3 that the parents must cooperate with the Department of
4 Children and Family Services, comply with the terms of the
5 service plans, and correct the conditions that require the
6 child to be in care, or risk termination of their parental
7 rights.

8 (4) No sanction may be applied against the minor who is
9 the subject of the proceedings by reason of his refusal or
10 failure to testify in the course of any hearing held prior to
11 final adjudication under Section 2-22, 3-23, 4-20 or 5-705.

12 (5) In the discretion of the court, the minor may be
13 excluded from any part or parts of a dispositional hearing
14 and, with the consent of the parent or parents, guardian,
15 counsel or a guardian ad litem, from any part or parts of an
16 adjudicatory hearing.

17 (6) The general public except for the news media and the
18 victim shall be excluded from any hearing and, except for the
19 persons specified in this Section only persons, including
20 representatives of agencies and associations, who in the
21 opinion of the court have a direct interest in the case or in
22 the work of the court shall be admitted to the hearing.
23 However, the court may, for the minor's safety and protection
24 and for good cause shown, prohibit any person or agency
25 present in court from further disclosing the minor's
26 identity. Nothing in this subsection (6) prevents the court
27 from allowing other juveniles to be present or to participate
28 in a court session being held under the Juvenile Drug Court
29 Treatment Act.

30 (7) A party shall not be entitled to exercise the right
31 to a substitution of a judge without cause under subdivision
32 (a)(2) of Section 2-1001 of the Code of Civil Procedure in a
33 proceeding under this Act if the judge is currently assigned
34 to a proceeding involving the alleged abuse, neglect, or

1 dependency of the minor's sibling or half sibling and that
2 judge has made a substantive ruling in the proceeding
3 involving the minor's sibling or half sibling.

4 (Source: P.A. 91-357, eff. 7-29-99; 92-559, eff. 1-1-03.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.