

1 court proceeding, and such appointment shall continue through
2 the permanency hearings and termination of parental rights
3 proceedings subject to withdrawal or substitution pursuant to
4 Supreme Court Rules or the Code of Civil Procedure. Following
5 the dispositional hearing, the court may require appointed
6 counsel, other than counsel for the minor or counsel for the
7 guardian ad litem, to withdraw his or her appearance upon
8 failure of the party for whom counsel was appointed under
9 this Section to attend any subsequent proceedings.

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

25 (1.5) The Department shall maintain a system of response
26 to inquiry made by parents or putative parents as to whether
27 their child is under the custody or guardianship of the
28 Department; and if so, the Department shall direct the
29 parents or putative parents to the appropriate court of
30 jurisdiction, including where inquiry may be made of the
31 clerk of the court regarding the case number and the next
32 scheduled court date of the minor's case. Effective notice
33 and the means of accessing information shall be given to the
34 public on a continuing basis by the Department.

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

7 In addition to the foregoing right to be heard by the
8 court, any current foster parent or relative caregiver of a
9 minor and the agency designated by the court or the
10 Department of Children and Family Services as custodian of
11 the minor who is alleged to be or has been adjudicated an
12 abused or neglected minor under Section 2-3 or a dependent
13 minor under Section 2-4 of this Act has the right to and
14 shall be given adequate notice at all stages of any hearing
15 or proceeding under this Act.

16 Any foster parent or relative caregiver who is denied his
17 or her right to be heard under this Section may bring a
18 mandamus action under Article XIV of the Code of Civil
19 Procedure against the court or any public agency to enforce
20 that right. The mandamus action may be brought immediately
21 upon the denial of those rights but in no event later than 30
22 days after the foster parent has been denied the right to be
23 heard.

24 (b) If after an adjudication that a minor is abused or
25 neglected as provided under Section 2-21 of this Act and a
26 motion has been made to restore the minor to any parent,
27 guardian, or legal custodian found by the court to have
28 caused the neglect or to have inflicted the abuse on the
29 minor, a foster parent may file a motion to intervene in the
30 proceeding for the sole purpose of requesting that the minor
31 be placed with the foster parent, provided that the foster
32 parent (i) is the current foster parent of the minor or (ii)
33 has previously been a foster parent for the minor for one
34 year or more, has a foster care license or is eligible for a

1 license, and is not the subject of any findings of abuse or
2 neglect of any child. The juvenile court may only enter
3 orders placing a minor with a specific foster parent under
4 this subsection (2)(b) and nothing in this Section shall be
5 construed to confer any jurisdiction or authority on the
6 juvenile court to issue any other orders requiring the
7 appointed guardian or custodian of a minor to place the minor
8 in a designated foster home or facility. This Section is not
9 intended to encompass any matters that are within the scope
10 or determinable under the administrative and appeal process
11 established by rules of the Department of Children and Family
12 Services under Section 5(o) of the Children and Family
13 Services Act. Nothing in this Section shall relieve the
14 court of its responsibility, under Section 2-14(a) of this
15 Act to act in a just and speedy manner to reunify families
16 where it is the best interests of the minor and the child can
17 be cared for at home without endangering the child's health
18 or safety and, if reunification is not in the best interests
19 of the minor, to find another permanent home for the minor.
20 Nothing in this Section, or in any order issued by the court
21 with respect to the placement of a minor with a foster
22 parent, shall impair the ability of the Department of
23 Children and Family Services, or anyone else authorized under
24 Section 5 of the Abused and Neglected Child Reporting Act, to
25 remove a minor from the home of a foster parent if the
26 Department of Children and Family Services or the person
27 removing the minor has reason to believe that the
28 circumstances or conditions of the minor are such that
29 continuing in the residence or care of the foster parent will
30 jeopardize the child's health and safety or present an
31 imminent risk of harm to that minor's life.

32 (c) If a foster parent has had the minor who is the
33 subject of the proceeding under Article II in his or her home
34 for more than one year on or after July 3, 1994 and if the

1 minor's placement is being terminated from that foster
2 parent's home, that foster parent shall have standing and
3 intervenor status except in those circumstances where the
4 Department of Children and Family Services or anyone else
5 authorized under Section 5 of the Abused and Neglected Child
6 Reporting Act has removed the minor from the foster parent
7 because of a reasonable belief that the circumstances or
8 conditions of the minor are such that continuing in the
9 residence or care of the foster parent will jeopardize the
10 child's health or safety or presents an imminent risk of harm
11 to the minor's life.

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

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

22 If the child is alleged to be abused, neglected or
23 dependent, the court shall admonish the parents that if the
24 court declares the child to be a ward of the court and awards
25 custody or guardianship to the Department of Children and
26 Family Services, the parents must cooperate with the
27 Department of Children and Family Services, comply with the
28 terms of the service plans, and correct the conditions that
29 require the child to be in care, or risk termination of their
30 parental rights.

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

1 When the court finds that a child is an abused,
2 neglected, or dependent minor under Section 2-21, the court
3 shall admonish the parents that the parents must cooperate
4 with the Department of Children and Family Services, comply
5 with the terms of the service plans, and correct the
6 conditions that require the child to be in care, or risk
7 termination of their parental rights.

8 When the court declares a child to be a ward of the court
9 and awards guardianship to the Department of Children and
10 Family Services under Section 2-22, the court shall admonish
11 the parents, guardian, custodian, or responsible relative
12 that the parents must cooperate with the Department of
13 Children and Family Services, comply with the terms of the
14 service plans, and correct the conditions that require the
15 child to be in care, or risk termination of their parental
16 rights.

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

21 (5) In the discretion of the court, the minor may be
22 excluded from any part or parts of a dispositional hearing
23 and, with the consent of the parent or parents, guardian,
24 counsel or a guardian ad litem, from any part or parts of an
25 adjudicatory hearing.

26 (6) The general public except for the news media and the
27 victim shall be excluded from any hearing and, except for the
28 persons specified in this Section only persons, including
29 representatives of agencies and associations, who in the
30 opinion of the court have a direct interest in the case or in
31 the work of the court shall be admitted to the hearing.
32 However, the court may, for the minor's safety and protection
33 and for good cause shown, prohibit any person or agency
34 present in court from further disclosing the minor's

1 identity. Nothing in this subsection (6) prevents the court
2 from allowing other juveniles to be present or to participate
3 in a court session being held under the Juvenile Drug Court
4 Treatment Act.

5 (7) A party shall not be entitled to exercise the right
6 to a substitution of a judge without cause under subdivision
7 (a)(2) of Section 2-1001 of the Code of Civil Procedure in a
8 proceeding under this Act if the judge is currently assigned
9 to a proceeding involving the alleged abuse, neglect, or
10 dependency of the minor's sibling or half sibling and that
11 judge has made a substantive ruling in the proceeding
12 involving the minor's sibling or half sibling.

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

14 Section 99. Effective date. This Act takes effect upon
15 becoming law."