

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 adding Section 2-10.2 as follows:

6 (705 ILCS 405/2-10.2 new)

7 Sec. 2-10.2. Educational surrogate parent.

8 (a) Upon issuing an order under Section 2-10 of this Act,  
9 whenever a special education services or early intervention  
10 services surrogate parent is appointed for a minor under the  
11 federal Individuals with Disabilities Education Act, the court  
12 may appoint one or both parents or the minor's legal guardian  
13 who is a respondent as the educational surrogate parent or  
14 early intervention program surrogate parent for the minor if:

15 (1) the parent or legal guardian respondent requests  
16 the appointment; and

17 (2) the court finds that the best interests of the  
18 minor are consistent with the appointment.

19 (b) The court may appoint a person other than a parent or  
20 legal guardian respondent as educational surrogate parent or  
21 early intervention program surrogate parent of the minor if:

22 (1) the person is not a party to the abuse, neglect, or  
23 dependency of the minor;

1           (2) the person is familiar with the needs of the minor;

2           (3) a parent or guardian does not request appointment,  
3           is unavailable, or the court denies the request for  
4           appointment by a parent or guardian respondent; and

5           (4) the court finds that the best interests of the  
6           minor are consistent with the appointment.

7           (c) An educational surrogate parent or early intervention  
8           program surrogate parent shall meet the requirements of  
9           applicable federal laws and rules governing educational  
10           surrogate parents or early intervention program surrogate  
11           parents. The court may rescind its appointment of an  
12           educational surrogate parent or early intervention program  
13           surrogate parent at any time if it determines that rescinding  
14           the appointment is consistent with the best interests of the  
15           minor. If the court does not appoint a parent, guardian  
16           respondent, or other person as educational surrogate parent or  
17           early intervention program surrogate parent, or if the court  
18           rescinds an appointment, the selection of an educational  
19           surrogate parent or early intervention program surrogate  
20           parent shall be made under applicable federal and State laws  
21           and rules.

22           Section 99. Effective date. This Act takes effect upon  
23           becoming law.