

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.