

1 AN ACT in relation to minors.

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. If a guardian ad litem  
4 has been appointed for the minor under Section 2-17 of this  
5 Act and the guardian ad litem is a licensed attorney at law  
6 of this State, or in the event that a court appointed special  
7 advocate has been appointed as guardian ad litem and counsel  
8 has been appointed to represent the court appointed special  
9 advocate, the court may not require the appointment of  
10 separate counsel to represent the minor unless the court  
11 finds that the minor's interests are in conflict with what  
12 the guardian ad litem determines to be in the best interest  
13 of the minor. Each adult respondent shall be furnished a  
14 written "Notice of Rights" at or before the first hearing at  
15 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.