

SUPREME COURT OF ILLINOIS

In re C.C. & S.O.C.

959 N.E.2d 53, 355 Ill. Dec. 25 (Ill. 2011) · No. No. 111795 · Decided December 1, 2011

SUMMARY

The Supreme Court of Illinois held that a former guardian who is removed from guardianship is no longer a party respondent in juvenile neglect proceedings under section 1-5(1) of the Juvenile Court Act. The court rejected the argument that the children's best interests required the former guardian to retain party status, court-appointed counsel, or related participation rights after dismissal.

CASE DETAILS

COURT	Supreme Court of Illinois
WRITING FOR THE COURT	Justice Thomas; Chief Justice Kilbride; Justice Freeman; Justice Garman; Justice Karmeier; Justice Burke; Justice Theis
JURISDICTION	Illinois
DECIDED	December 1, 2011
DOCKET	No. 111795
DISPOSITION	reversed
PROCEDURAL POSTURE	The State petitioned for leave to appeal from an appellate-court judgment reversing the circuit court's dismissal of a former guardian from a juvenile neglect proceeding.
STANDARD OF REVIEW	Statutory construction is reviewed de novo as a question of law.
PRECEDENTIAL VALUE	Published Illinois Supreme Court opinion; precedential.
PARTIES	The People of the State of Illinois v. Marlene Long

TOPICS

- guardianship procedure
- guardianships
- statutory interpretation
- appellate procedure
- family law procedure

PRACTICE AREAS

- juvenile law
- guardianship
- family law
- statutory interpretation
- appellate procedure

QUESTIONS PRESENTED

1. Whether a court-appointed guardian who is removed as guardian during a juvenile neglect proceeding remains a party respondent under section 1-5(1) of the Juvenile Court Act.
2. Whether a former guardian's relationship with the children or the children's best interests require that the former guardian remain a party, retain court-appointed counsel, and continue receiving statutory services after removal as guardian.
3. Whether a former guardian may nevertheless participate in the proceeding as a previously appointed relative caregiver under section 1-5(2)(a).

HOLDINGS

1. A guardian who has been removed or dismissed as guardian no longer qualifies as a guardian under section 1-5(1) of the Juvenile Court Act and therefore is no longer a party respondent to the juvenile proceeding.
2. The children's best interests do not authorize a court to keep a former guardian as a party after removal because section 1-5(1) does not make party status dependent on the minor's best interests.
3. A former guardian may have the right to be heard as a previously appointed relative caregiver under section 1-5(2)(a), and may seek restoration of guardianship under section 2-28, but those possibilities do not confer party status or the statutory right to appointed counsel as a party.

KEY QUOTATIONS

“Pursuant to the clear and unambiguous language in section 1-5(1), a former guardian is not a guardian and, thus, no longer is a party respondent to the proceedings following her dismissal from that position and is no longer entitled to legal representation as provided for in the statute.” (60)

“However, having been dismissed as guardian of the minors, Long no longer was a party respondent to the proceedings, and was properly dismissed as a party by the trial court.” (63)

FACTUAL BACKGROUND

Marlene Long was the court-appointed guardian of her grandchildren, C.C. and S.O.C. The State alleged that the children were neglected because of unsafe conditions involving their mother and because Long left them in the care of an inappropriate caregiver. Long stipulated to the neglect count concerning her conduct, and the circuit court found her unable to care for, protect, train, or discipline the children, removed her guardianship, appointed DCFS as guardian, and dismissed her from the proceeding.

PROCEDURAL HISTORY

The State filed a neglect petition concerning C.C. and S.O.C., naming Marlene Long, their court-appointed guardian, as a respondent. After Long stipulated to neglect and the circuit court removed her guardianship, appointed DCFS as guardian, and dismissed Long from the case, the appellate court reversed and held that Long remained a party with attendant rights to counsel and services. The Illinois Supreme Court reversed the appellate court and affirmed the circuit court.

DISPOSITION

reversed

CASES CITED

- State Building Venture v. O'Donnell, 239 Ill. 2d 151, 160, 346 Ill. Dec. 518, 940 N.E.2d 1122 (2010)
- People v. O'Connell, 227 Ill. 2d 31, 37, 316 Ill. Dec. 248, 879 N.E.2d 315 (2007)
- In re J.L., 236 Ill. 2d 329, 341, 338 Ill. Dec. 435, 924 N.E.2d 961 (2010)
- In re Anast, 22 Ill. App. 3d 750, 318 N.E.2d 18 (1974)
- In re A.K., 250 Ill. App. 3d 981, 189 Ill. Dec. 604, 620 N.E.2d 572 (1993)
- In re S.B., 373 Ill. App. 3d 224, 310 Ill. Dec. 684, 866 N.E.2d 1286 (2007)
- In re C.C. and S.O.C., 406 Ill. App. 3d 360, 348 Ill. Dec. 124, 943 N.E.2d 732 (2010)

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