

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Probate Act of 1975 is amended by changing  
5 Section 11-5.4 as follows:

6 (755 ILCS 5/11-5.4)

7 Sec. 11-5.4. Short-term guardian.

8 (a) A parent, adoptive parent, or adjudicated parent whose  
9 parental rights have not been terminated, or the guardian of  
10 the person of a minor may appoint in writing, without court  
11 approval, a short-term guardian of an unmarried minor or a  
12 child likely to be born. The written instrument appointing a  
13 short-term guardian shall be dated and shall identify the  
14 appointing parent or guardian, the minor, and the person  
15 appointed to be the short-term guardian. The written instrument  
16 shall be signed by, or at the direction of, the appointing  
17 parent in the presence of at least 2 credible witnesses at  
18 least 18 years of age, neither of whom is the person appointed  
19 as the short-term guardian. The person appointed as the  
20 short-term guardian shall also sign the written instrument, but  
21 need not sign at the same time as the appointing parent.

22 (b) A parent or guardian shall not appoint a short-term  
23 guardian of a minor if the minor has another living parent,

1 adoptive parent or adjudicated parent, whose parental rights  
2 have not been terminated, whose whereabouts are known, and who  
3 is willing and able to make and carry out day-to-day child care  
4 decisions concerning the minor, unless the nonappointing  
5 parent consents to the appointment by signing the written  
6 instrument of appointment.

7 (c) The appointment of the short-term guardian is effective  
8 immediately upon the date the written instrument is executed,  
9 unless the written instrument provides for the appointment to  
10 become effective upon a later specified date or event. Except  
11 as provided in subsection (e-5) of this Section, the ~~The~~  
12 short-term guardian shall have authority to act as guardian of  
13 the minor as provided in Section 11-13.2 for a period of 365  
14 days from the date the appointment is effective, unless the  
15 written instrument provides for the appointment to terminate  
16 upon an earlier specified date or event. Only one written  
17 instrument appointing a short-term guardian may be in force at  
18 any given time.

19 (d) Every appointment of a short-term guardian may be  
20 amended or revoked by the appointing parent or by the  
21 appointing guardian of the person of the minor at any time and  
22 in any manner communicated to the short-term guardian or to any  
23 other person. Any person other than the short-term guardian to  
24 whom a revocation or amendment is communicated or delivered  
25 shall make all reasonable efforts to inform the short-term  
26 guardian of that fact as promptly as possible.

1 (e) The appointment of a short-term guardian or successor  
2 short-term guardian does not affect the rights of the other  
3 parent in the minor.

4 (e-5) Any time after the appointment of a temporary  
5 custodian under Section 2-10, 3-12, 4-9, 5-410, or 5-501 of the  
6 Juvenile Court Act of 1987, and after notice to all parties,  
7 including the short-term guardian, as required by the Juvenile  
8 Court Act of 1987, a court may vacate any short-term  
9 guardianship for the minor appointed under this Section,  
10 provided the vacation is consistent with the minor's best  
11 interests as determined using the factors listed in paragraph  
12 (4.05) of Section 1-3 of the Juvenile Court Act of 1987.

13 (f) The written instrument appointing a short-term  
14 guardian may, but need not, be in the following form:

15 APPOINTMENT OF SHORT-TERM GUARDIAN

16 [ IT IS IMPORTANT TO READ THE FOLLOWING INSTRUCTIONS:

17 By properly completing this form, a parent or the guardian  
18 of the person of the child is appointing a guardian of a child  
19 of the parent (or a minor ward of the guardian, as the case may  
20 be) for a period of up to 365 days. A separate form should be  
21 completed for each child. The person appointed as the guardian  
22 must sign the form, but need not do so at the same time as the  
23 parent or parents or guardian.

24 This form may not be used to appoint a guardian if there is

1 a guardian already appointed for the child, except that if a  
2 guardian of the person of the child has been appointed, that  
3 guardian may use this form to appoint a short-term guardian.  
4 Both living parents of a child may together appoint a guardian  
5 of the child, or the guardian of the person of the child may  
6 appoint a guardian of the child, for a period of up to 365 days  
7 through the use of this form. If the short-term guardian is  
8 appointed by both living parents of the child, the parents need  
9 not sign the form at the same time.]

10 1. Parent (or guardian) and Child. I, (insert name of  
11 appointing parent or guardian), currently residing at  
12 (insert address of appointing parent or guardian), am a  
13 parent (or the guardian of the person) of the following  
14 child (or of a child likely to be born): (insert name and  
15 date of birth of child, or insert the words "not yet born"  
16 to appoint a short-term guardian for a child likely to be  
17 born and the child's expected date of birth).

18 2. Guardian. I hereby appoint the following person as  
19 the short-term guardian for the child: (insert name and  
20 address of appointed person).

21 3. Effective date. This appointment becomes effective:  
22 (check one if you wish it to be applicable)

23 ( ) On the date that I state in writing that I am  
24 no longer either willing or able to make and carry out  
25 day-to-day child care decisions concerning the child.

26 ( ) On the date that a physician familiar with my

1 condition certifies in writing that I am no longer  
2 willing or able to make and carry out day-to-day child  
3 care decisions concerning the child.

4 ( ) On the date that I am admitted as an in-patient  
5 to a hospital or other health care institution.

6 ( ) On the following date: (insert date).

7 ( ) Other: (insert other).

8 [NOTE: If this item is not completed, the appointment is  
9 effective immediately upon the date the form is signed and  
10 dated below.]

11 4. Termination. This appointment shall terminate 365  
12 days after the effective date, unless it terminates sooner  
13 as determined by the event or date I have indicated below:  
14 (check one if you wish it to be applicable)

15 ( ) On the date that I state in writing that I am  
16 willing and able to make and carry out day-to-day child  
17 care decisions concerning the child.

18 ( ) On the date that a physician familiar with my  
19 condition certifies in writing that I am willing and  
20 able to make and carry out day-to-day child care  
21 decisions concerning the child.

22 ( ) On the date that I am discharged from the  
23 hospital or other health care institution where I was  
24 admitted as an in-patient, which established the  
25 effective date.

26 ( ) On the date which is (state a number of days,

1 but no more than 365 days) days after the effective  
2 date.

3 ( ) Other: (insert other).

4 [NOTE: If this item is not completed, the appointment will be  
5 effective for a period of 365 days, beginning on the effective  
6 date.]

7 5. Date and signature of appointing parent or guardian.  
8 This appointment is made this (insert day) day of (insert  
9 month and year).

10 Signed: (appointing parent)

11 6. Witnesses. I saw the parent (or the guardian of the  
12 person of the child) sign this instrument or I saw the  
13 parent (or the guardian of the person of the child) direct  
14 someone to sign this instrument for the parent (or the  
15 guardian). Then I signed this instrument as a witness in  
16 the presence of the parent (or the guardian). I am not  
17 appointed in this instrument to act as the short-term  
18 guardian for the child. (Insert space for names, addresses,  
19 and signatures of 2 witnesses)

20 7. Acceptance of short-term guardian. I accept this  
21 appointment as short-term guardian on this (insert day) day  
22 of (insert month and year).

23 Signed: (short-term guardian)

24 8. Consent of child's other parent. I, (insert name of  
25 the child's other living parent), currently residing at  
26 (insert address of child's other living parent), hereby

1 consent to this appointment on this (insert day) day of  
2 (insert month and year).

3 Signed: (consenting parent)

4 [NOTE: The signature of a consenting parent is not necessary if  
5 one of the following applies: (i) the child's other parent has  
6 died; or (ii) the whereabouts of the child's other parent are  
7 not known; or (iii) the child's other parent is not willing or  
8 able to make and carry out day-to-day child care decisions  
9 concerning the child; or (iv) the child's parents were never  
10 married and no court has issued an order establishing  
11 parentage.]

12 (Source: P.A. 95-568, eff. 6-1-08.)