



Sen. William Delgado

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LRB098 06681 HEP 43116 a

1 AMENDMENT TO SENATE BILL 1565

2 AMENDMENT NO. _____. Amend Senate Bill 1565 by replacing
3 everything after the enacting clause with the following:

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

1 parent in the presence of at least 2 credible witnesses at
2 least 18 years of age, neither of whom is the person appointed
3 as the short-term guardian. The person appointed as the
4 short-term guardian shall also sign the written instrument, but
5 need not sign at the same time as the appointing parent.

6 (b) A parent or guardian shall not appoint a short-term
7 guardian of a minor if the minor has another living parent,
8 adoptive parent or adjudicated parent, whose parental rights
9 have not been terminated, whose whereabouts are known, and who
10 is willing and able to make and carry out day-to-day child care
11 decisions concerning the minor, unless the nonappointing
12 parent consents to the appointment by signing the written
13 instrument of appointment.

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

26 (d) Every appointment of a short-term guardian may be

1 amended or revoked by the appointing parent or by the
2 appointing guardian of the person of the minor at any time and
3 in any manner communicated to the short-term guardian or to any
4 other person. Any person other than the short-term guardian to
5 whom a revocation or amendment is communicated or delivered
6 shall make all reasonable efforts to inform the short-term
7 guardian of that fact as promptly as possible.

8 (e) The appointment of a short-term guardian or successor
9 short-term guardian does not affect the rights of the other
10 parent in the minor.

11 (e-5) Any time after the appointment of a temporary
12 custodian under Section 2-10, 3-12, 4-9, 5-410, or 5-501 of the
13 Juvenile Court Act of 1987, a court may vacate any short-term
14 guardianship for the minor appointed under this Section,
15 provided the vacation is consistent with the minor's best
16 interests as determined using the factors listed in paragraph
17 (4.05) of Section 1-3 of the Juvenile Court Act of 1987.

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

20 APPOINTMENT OF SHORT-TERM GUARDIAN

21 [IT IS IMPORTANT TO READ THE FOLLOWING INSTRUCTIONS:

22 By properly completing this form, a parent or the guardian
23 of the person of the child is appointing a guardian of a child
24 of the parent (or a minor ward of the guardian, as the case may

1 be) for a period of up to 365 days. A separate form should be
2 completed for each child. The person appointed as the guardian
3 must sign the form, but need not do so at the same time as the
4 parent or parents or guardian.

5 This form may not be used to appoint a guardian if there is
6 a guardian already appointed for the child, except that if a
7 guardian of the person of the child has been appointed, that
8 guardian may use this form to appoint a short-term guardian.
9 Both living parents of a child may together appoint a guardian
10 of the child, or the guardian of the person of the child may
11 appoint a guardian of the child, for a period of up to 365 days
12 through the use of this form. If the short-term guardian is
13 appointed by both living parents of the child, the parents need
14 not sign the form at the same time.]

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

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

26 3. Effective date. This appointment becomes effective:

1 (check one if you wish it to be applicable)

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

5 () On the date that a physician familiar with my
6 condition certifies in writing that I am no longer
7 willing or able to make and carry out day-to-day child
8 care decisions concerning the child.

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

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

12 () Other: (insert other).

13 [NOTE: If this item is not completed, the appointment is
14 effective immediately upon the date the form is signed and
15 dated below.]

16 4. Termination. This appointment shall terminate 365
17 days after the effective date, unless it terminates sooner
18 as determined by the event or date I have indicated below:

19 (check one if you wish it to be applicable)

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

23 () On the date that a physician familiar with my
24 condition certifies in writing that I am willing and
25 able to make and carry out day-to-day child care
26 decisions concerning the child.

1 () On the date that I am discharged from the
2 hospital or other health care institution where I was
3 admitted as an in-patient, which established the
4 effective date.

5 () On the date which is (state a number of days,
6 but no more than 365 days) days after the effective
7 date.

8 () Other: (insert other).

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

12 5. Date and signature of appointing parent or guardian.
13 This appointment is made this (insert day) day of (insert
14 month and year).

15 Signed: (appointing parent)

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

25 7. Acceptance of short-term guardian. I accept this
26 appointment as short-term guardian on this (insert day) day

1 of (insert month and year).

2 Signed: (short-term guardian)

3 8. Consent of child's other parent. I, (insert name of
4 the child's other living parent), currently residing at
5 (insert address of child's other living parent), hereby
6 consent to this appointment on this (insert day) day of
7 (insert month and year).

8 Signed: (consenting parent)

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

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