

HB2437



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB2437

Introduced 2/4/2025, by Rep. Terra Costa Howard

SYNOPSIS AS INTRODUCED:

755 ILCS 5/11a-4

Amends the Probate Act of 1975. Provides that the court may, upon a finding of good cause, extend temporary guardianship for up to an additional 90 days beyond the 120 days now authorized in the Act.

LRB104 09941 JRC 20011 b

A BILL FOR

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 11a-4 as follows:

6 (755 ILCS 5/11a-4)

7 Sec. 11a-4. Temporary guardian.

8 (a) Prior to the appointment of a guardian under this
9 Article, pending an appeal in relation to the appointment, or
10 pending the completion of a citation proceeding brought
11 pursuant to Section 23-3 of this Act, or upon a guardian's
12 death, incapacity, or resignation, the court may appoint a
13 temporary guardian upon a showing of the necessity therefor
14 for the immediate welfare and protection of the alleged person
15 with a disability or his or her estate and subject to such
16 conditions as the court may prescribe. A petition for the
17 appointment of a temporary guardian for an alleged person with
18 a disability shall be filed at the time of or subsequent to the
19 filing of a petition for adjudication of disability and
20 appointment of a guardian. The petition for the appointment of
21 a temporary guardian shall state the facts upon which it is
22 based and the name, the post office address, and, in the case
23 of an individual, the age and occupation of the proposed

1 temporary guardian. In determining the necessity for temporary
2 guardianship, the immediate welfare and protection of the
3 alleged person with a disability and his or her estate shall be
4 of paramount concern, and the interests of the petitioner, any
5 care provider, or any other party shall not outweigh the
6 interests of the alleged person with a disability. The
7 temporary guardian shall have the limited powers and duties of
8 a guardian of the person or of the estate which are
9 specifically enumerated by court order. The court order shall
10 state the actual harm identified by the court that
11 necessitates temporary guardianship or any extension thereof.

12 (a-5) Notice of the time and place of the hearing on a
13 petition for the appointment of a temporary guardian shall be
14 given, not less than 3 days before the hearing, by mail or in
15 person to the alleged person with a disability, to the
16 proposed temporary guardian, and to those persons whose names
17 and addresses are listed in the petition for adjudication of
18 disability and appointment of a guardian under Section 11a-8.
19 The court, upon a finding of good cause, may waive the notice
20 requirement under this subsection.

21 (a-10) Notice of the time and place of the hearing on a
22 petition to revoke the appointment of a temporary guardian
23 shall be given, not less than 3 days before the hearing, by
24 mail or in person to the temporary guardian, to the petitioner
25 on whose petition the temporary guardian was appointed, and to
26 those persons whose names and addresses are listed in the

1 petition for adjudication of disability and appointment of a
2 guardian under Section 11a-8. The court, upon a finding of
3 good cause, may waive the notice requirements under this
4 subsection.

5 (b) The temporary guardianship shall expire within 60 days
6 after the appointment or whenever a guardian is regularly
7 appointed, whichever occurs first. No extension shall be
8 granted except:

9 (1) In a case where there has been an adjudication of
10 disability, an extension shall be granted:

11 (i) pending the disposition on appeal of an
12 adjudication of disability;

13 (ii) pending the completion of a citation
14 proceeding brought pursuant to Section 23-3;

15 (iii) pending the appointment of a successor
16 guardian in a case where the former guardian has
17 resigned, has become incapacitated, or is deceased; or

18 (iv) where the guardian's powers have been
19 suspended pursuant to a court order.

20 (2) In a case where there has not been an adjudication
21 of disability, an extension shall be granted pending the
22 disposition of a petition brought pursuant to Section
23 11a-8 so long as the court finds it is in the best
24 interests of the alleged person with a disability to
25 extend the temporary guardianship so as to protect the
26 alleged person with a disability from any potential abuse,

1 neglect, self-neglect, exploitation, or other harm and
2 such extension lasts no more than 120 days from the date
3 the temporary guardian was originally appointed.

4 (3) The court may, upon a finding of good cause,
5 extend temporary guardianship for up to an additional 90
6 days beyond the 120 days authorized in this Section.

7 The ward shall have the right any time after the
8 appointment of a temporary guardian is made to petition the
9 court to revoke the appointment of the temporary guardian.

10 (Source: P.A. 102-72, eff. 1-1-22; 102-120, eff 7-23-21;
11 102-687, eff. 12-17-21.)