



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB0836

by Rep. Jennifer Gong-Gershowitz

#### SYNOPSIS AS INTRODUCED:

755 ILCS 5/11-1	from Ch. 110 1/2, par. 11-1
755 ILCS 5/11-5	from Ch. 110 1/2, par. 11-5
755 ILCS 5/11-5.3	
755 ILCS 5/11-5.4	
755 ILCS 5/11-8	from Ch. 110 1/2, par. 11-8
755 ILCS 5/11-8.1	
755 ILCS 5/11-10.1	from Ch. 110 1/2, par. 11-10.1
755 ILCS 5/11-13.1	

Amends the Probate Act of 1975. Defines "administrative separation". Provides that the court lacks jurisdiction to proceed on a petition for the appointment of a guardian or standby guardian of a minor if it finds that the minor has a living parent whose parental rights have not been terminated, unless, among other things, the parent or parents, in the event of an administrative separation, are not presently located in the United States and are unable to consent as evidenced by a sworn affidavit. Provides that a parent or guardian shall not appoint a short-term guardian of a minor if the minor has another living parent whose parental rights have not be terminated, unless, among other things, the parent or parents, in the event of an administrative separation, are not presently located in the United States and are unable to consent as evidenced by a sworn affidavit. Makes conforming changes. Effective immediately.

LRB101 07246 LNS 52284 b

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 Sections 11-1, 11-5, 11-5.3, 11-5.4, 11-8, 11-8.1, 11-10.1, and  
6 11-13.1 as follows:

7 (755 ILCS 5/11-1) (from Ch. 110 1/2, par. 11-1)

8 Sec. 11-1. Definitions. As used in this Article: ~~Minor~~  
9 defined.)

10 "Administrative separation" means a parent's, legal  
11 guardian's, legal custodian's, or primary caretaker's: (1)  
12 connection with a federal immigration matter, including  
13 arrest, detention, incarceration, removal, or deportation; or  
14 (2) receipt of official communication by federal, State, or  
15 local authorities regarding immigration enforcement that gives  
16 reasonable notice that care and supervision of the child by the  
17 parent, legal guardian, legal custodian, or primary caretaker  
18 will be interrupted or cannot be provided.

19 "Minor" means ~~A minor is~~ a person who has not attained the  
20 age of 18 years. A person who has attained the age of 18 years  
21 is of legal age for all purposes except as otherwise provided  
22 in the Illinois Uniform Transfers to Minors Act.

23 (Source: P.A. 84-915.)

1 (755 ILCS 5/11-5) (from Ch. 110 1/2, par. 11-5)

2 Sec. 11-5. Appointment of guardian.

3 (a) Upon the filing of a petition for the appointment of a  
4 guardian or on its own motion, the court may appoint a guardian  
5 of the estate or of both the person and estate, of a minor, or  
6 may appoint a guardian of the person only of a minor or minors,  
7 as the court finds to be in the best interest of the minor or  
8 minors.

9 (a-1) A parent, adoptive parent or adjudicated parent,  
10 whose parental rights have not been terminated, may designate  
11 in any writing, including a will, a person qualified to act  
12 under Section 11-3 to be appointed as guardian of the person or  
13 estate, or both, of an unmarried minor or of a child likely to  
14 be born. A parent, adoptive parent or adjudicated parent, whose  
15 parental rights have not been terminated, or a guardian or a  
16 standby guardian of an unmarried minor or of a child likely to  
17 be born may designate in any writing, including a will, a  
18 person qualified to act under Section 11-3 to be appointed as  
19 successor guardian of the minor's person or estate, or both.  
20 The designation must be witnessed by 2 or more credible  
21 witnesses at least 18 years of age, neither of whom is the  
22 person designated as the guardian. The designation may be  
23 proved by any competent evidence. If the designation is  
24 executed and attested in the same manner as a will, it shall  
25 have prima facie validity. The designation of a guardian or

1 successor guardian does not affect the rights of the other  
2 parent in the minor.

3 (b) The court lacks jurisdiction to proceed on a petition  
4 for the appointment of a guardian of a minor if it finds that  
5 (i) the minor has a living parent, adoptive parent or  
6 adjudicated parent, whose parental rights have not been  
7 terminated, whose whereabouts are known, and who is willing and  
8 able to make and carry out day-to-day child care decisions  
9 concerning the minor, unless: (1) the parent or parents  
10 voluntarily relinquished physical custody of the minor; (2)  
11 after receiving notice of the hearing under Section 11-10.1,  
12 the parent or parents fail to object to the appointment at the  
13 hearing on the petition; ~~or~~ (3) the parent or parents consent  
14 to the appointment as evidenced by a written document that has  
15 been notarized and dated, or by a personal appearance and  
16 consent in open court; or (4) the parent or parents, in the  
17 event of an administrative separation, are not presently  
18 located in the United States and are unable to consent as  
19 evidenced by a sworn affidavit describing the present location  
20 of the parent out of the country and the attempts made to  
21 contact the parent via mail, phone, email, social media, or a  
22 friend or relative; or (ii) there is a guardian for the minor  
23 appointed by a court of competent jurisdiction. There shall be  
24 a rebuttable presumption that a parent of a minor is willing  
25 and able to make and carry out day-to-day child care decisions  
26 concerning the minor, but the presumption may be rebutted by a

1 preponderance of the evidence. If a short-term guardian has  
2 been appointed for the minor prior to the filing of the  
3 petition and the petitioner for guardianship is not the  
4 short-term guardian, there shall be a rebuttable presumption  
5 that it is in the best interest of the minor to remain in the  
6 care of the short-term guardian. The petitioner shall have the  
7 burden of proving by a preponderance of the evidence that it is  
8 not in the child's best interest to remain with the short-term  
9 guardian.

10 (b-1) If the court finds the appointment of a guardian of  
11 the minor to be in the best interest of the minor, and if a  
12 standby guardian has previously been appointed for the minor  
13 under Section 11-5.3, the court shall appoint the standby  
14 guardian as the guardian of the person or estate, or both, of  
15 the minor unless the court finds, upon good cause shown, that  
16 the appointment would no longer be in the best interest of the  
17 minor.

18 (c) If the minor is 14 years of age or more, the minor may  
19 nominate the guardian of the minor's person and estate, subject  
20 to approval of the court. If the minor's nominee is not  
21 approved by the court or if, after notice to the minor, the  
22 minor fails to nominate a guardian of the minor's person or  
23 estate, the court may appoint the guardian without nomination.

24 (d) The court shall not appoint as guardian of the person  
25 of the minor any person whom the court has determined had  
26 caused or substantially contributed to the minor becoming a

1 neglected or abused minor as defined in the Juvenile Court Act  
2 of 1987, unless 2 years have elapsed since the last proven  
3 incident of abuse or neglect and the court determines that  
4 appointment of such person as guardian is in the best interests  
5 of the minor.

6 (e) Previous statements made by the minor relating to any  
7 allegations that the minor is an abused or neglected child  
8 within the meaning of the Abused and Neglected Child Reporting  
9 Act, or an abused or neglected minor within the meaning of the  
10 Juvenile Court Act of 1987, shall be admissible in evidence in  
11 a hearing concerning appointment of a guardian of the person or  
12 estate of the minor. No such statement, however, if  
13 uncorroborated and not subject to cross-examination, shall be  
14 sufficient in itself to support a finding of abuse or neglect.  
15 (Source: P.A. 98-1082, eff. 1-1-15.)

16 (755 ILCS 5/11-5.3)

17 Sec. 11-5.3. Appointment of standby guardian.

18 (a) A parent, adoptive parent, or adjudicated parent whose  
19 parental rights have not been terminated, or the guardian of  
20 the person of a minor may designate in any writing, including a  
21 will, a person qualified to act under Section 11-3 to be  
22 appointed as standby guardian of the person or estate, or both,  
23 of an unmarried minor or of a child likely to be born. A  
24 parent, adoptive parent, or adjudicated parent whose parental  
25 rights have not been terminated, or the guardian of the person

1 of a minor or a standby guardian of an unmarried minor or of a  
2 child likely to be born may designate in any writing, including  
3 a will, a person qualified to act under Section 11-3 to be  
4 appointed as successor standby guardian of the minor's person  
5 or estate, or both. The designation must be witnessed by 2 or  
6 more credible witnesses at least 18 years of age, neither of  
7 whom is the person designated as the standby guardian. The  
8 designation may be proved by any competent evidence. If the  
9 designation is executed and attested in the same manner as a  
10 will, it shall have prima facie validity. The designation of a  
11 standby guardian or successor standby guardian does not affect  
12 the rights of the other parent in the minor.

13 (b) Upon the filing of a petition for the appointment of a  
14 standby guardian, the court may appoint a standby guardian of  
15 the person or estate, or both, of a minor as the court finds to  
16 be in the best interest of the minor.

17 (c) The court lacks jurisdiction to proceed on a petition  
18 for the appointment of a standby guardian of a minor if the  
19 minor has a living parent, adoptive parent or adjudicated  
20 parent, whose parental rights have not been terminated, whose  
21 whereabouts are known, and who is willing and able to make and  
22 carry out day-to-day child care decisions concerning the minor,  
23 unless the parent or parents: (1) consent to the appointment;  
24 (2) ~~or~~ after receiving notice of the hearing under Section  
25 11-10.1, fail to object to the appointment at the hearing on  
26 the petition; or (3) in the event of an administrative

1 separation, are not presently located in the United States and  
2 are unable to be located as evidenced by a sworn affidavit  
3 describing the present location of the parent out of the  
4 country and the attempts made to contact the parent via mail,  
5 phone, email, social media, or a friend or relative. There  
6 shall be a rebuttable presumption that a parent of a minor is  
7 willing and able to make and carry out day-to-day child care  
8 decisions concerning the minor, but the presumption may be  
9 rebutted by a preponderance of the evidence.

10 (d) The standby guardian shall take and file an oath or  
11 affirmation that the standby guardian will faithfully  
12 discharge the duties of the office of standby guardian  
13 according to law, and shall file in and have approved by the  
14 court a bond binding the standby guardian so to do, but shall  
15 not be required to file a bond until the standby guardian  
16 assumes all duties as guardian of the minor under Section  
17 11-13.1.

18 (e) The designation of a standby guardian may, but need  
19 not, be in the following form:

20 DESIGNATION OF STANDBY GUARDIAN

21 [IT IS IMPORTANT TO READ THE FOLLOWING INSTRUCTIONS:

22 A standby guardian is someone who has been appointed by the  
23 court as the person who will act as guardian of the child when  
24 the child's parents or the guardian of the person of the child



1 die or are no longer willing or able to make and carry out  
2 day-to-day child care decisions concerning the child. By  
3 properly completing this form, a parent or the guardian of the  
4 person of the child is naming the person that the parent or the  
5 guardian wants to be appointed as the standby guardian of the  
6 child or children. Both parents of a child may join together  
7 and co-sign this form. Signing the form does not appoint the  
8 standby guardian; to be appointed, a petition must be filed in  
9 and approved by the court.]

10 1. Parent (or guardian) and Children. I, (insert name  
11 of designating parent or guardian), currently residing at  
12 (insert address of designating parent or guardian), am a  
13 parent (or the guardian of the person) of the following  
14 child or children (or of a child likely to be born):  
15 (insert name and date of birth of each child, or insert the  
16 words "not yet born" to designate a standby guardian for a  
17 child likely to be born and the child's expected date of  
18 birth).

19 2. Standby Guardian. I hereby designate the following  
20 person to be appointed as standby guardian for the child or  
21 children listed above (insert name and address of person  
22 designated).

23 3. Successor Standby Guardian. If the person named in  
24 item 2 above cannot or will not act as standby guardian, I  
25 designate the following person to be appointed as successor  
26 standby guardian for the child or children: (insert name

1 and address of person designated).

2 4. Date and Signature. This designation is made this  
3 (insert day) day of (insert month and year).

4 Signed: (designating parent or guardian)

5 5. Witnesses. I saw the parent (or the guardian of the  
6 person of the child) sign this designation or the parent  
7 (or the guardian of the person of the child) told me that  
8 (he or she) signed this designation. Then I signed the  
9 designation as a witness in the presence of the parent (or  
10 the guardian). I am not designated in this instrument to  
11 act as a standby guardian for the child or children.  
12 (insert space for names, addresses, and signatures of 2  
13 witnesses).

14 (Source: P.A. 90-796, eff. 12-15-98.)

15 (755 ILCS 5/11-5.4)

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

17 (a) A parent, adoptive parent, or adjudicated parent whose  
18 parental rights have not been terminated, or the guardian of  
19 the person of a minor may appoint in writing, without court  
20 approval, a short-term guardian of an unmarried minor or a  
21 child likely to be born. The written instrument appointing a  
22 short-term guardian shall be dated and shall identify the  
23 appointing parent or guardian, the minor, and the person  
24 appointed to be the short-term guardian. The written instrument  
25 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: (1) the nonappointing  
12 parent consents to the appointment by signing the written  
13 instrument of appointment; or (2) the parent or parents, in the  
14 event of an administrative separation, are not presently  
15 located in the United States and are unable to be located as  
16 evidenced by a sworn affidavit describing the present location  
17 of the parent out of the country and the attempts made to  
18 contact the parent via mail, phone, email, social media, or a  
19 friend or relative.

20 (c) The appointment of the short-term guardian is effective  
21 immediately upon the date the written instrument is executed,  
22 unless the written instrument provides for the appointment to  
23 become effective upon a later specified date or event. Except  
24 as provided in subsection (e-5) or (e-10) of this Section, the  
25 short-term guardian shall have authority to act as guardian of  
26 the minor as provided in Section 11-13.2 for a period of 365

1 days from the date the appointment is effective, unless the  
2 written instrument provides for the appointment to terminate  
3 upon a different specified date or event as permitted by this  
4 Section. Only one written instrument appointing a short-term  
5 guardian may be in force at any given time.

6 (d) Every appointment of a short-term guardian may be  
7 amended or revoked by the appointing parent or by the  
8 appointing guardian of the person of the minor at any time and  
9 in any manner communicated to the short-term guardian or to any  
10 other person. Any person other than the short-term guardian to  
11 whom a revocation or amendment is communicated or delivered  
12 shall make all reasonable efforts to inform the short-term  
13 guardian of that fact as promptly as possible.

14 (e) The appointment of a short-term guardian or successor  
15 short-term guardian does not affect the rights of the other  
16 parent in the minor. The short-term guardian appointment does  
17 not constitute consent for court appointment of a guardian.

18 (e-5) Any time after the appointment of a temporary  
19 custodian under Section 2-10, 3-12, 4-9, 5-410, or 5-501 of the  
20 Juvenile Court Act of 1987, and after notice to all parties,  
21 including the short-term guardian, as required by the Juvenile  
22 Court Act of 1987, a court may vacate any short-term  
23 guardianship for the minor appointed under this Section,  
24 provided the vacation is consistent with the minor's best  
25 interests as determined using the factors listed in paragraph  
26 (4.05) of Section 1-3 of the Juvenile Court Act of 1987.

1 (e-10) A parent or guardian who is a member of the Armed  
2 Forces of the United States, including any reserve component  
3 thereof, or the commissioned corps of the National Oceanic and  
4 Atmospheric Administration or the Public Health Service of the  
5 United States Department of Health and Human Services detailed  
6 by proper authority for duty with the Armed Forces of the  
7 United States, or who is required to enter or serve in the  
8 active military service of the United States under a call or  
9 order of the President of the United States or to serve on  
10 State active duty, may appoint a short-term guardian for a  
11 period of longer than 365 days if on active duty service. The  
12 writing appointing the short-term guardian under this  
13 subsection shall include the dates of the parent's or  
14 guardian's active duty service, and the appointment may not  
15 exceed the term of active duty plus 30 days.

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

18 APPOINTMENT OF SHORT-TERM GUARDIAN

19 [IT IS IMPORTANT TO READ THE FOLLOWING INSTRUCTIONS:

20 By properly completing this form, a parent or the guardian  
21 of the person of the child is appointing a guardian of a child  
22 of the parent (or a minor ward of the guardian, as the case may  
23 be) for a period of up to 365 days. A separate form should be  
24 completed for each child. The person appointed as the guardian

1 must sign the form, but need not do so at the same time as the  
2 parent or parents or guardian.

3 If you are a parent or guardian who is a member of the  
4 Armed Forces of the United States, including any reserve  
5 component thereof, or the commissioned corps of the National  
6 Oceanic and Atmospheric Administration or the Public Health  
7 Service of the United States Department of Health and Human  
8 Services detailed by proper authority for duty with the Armed  
9 Forces of the United States, or who is required to enter or  
10 serve in the active military service of the United States under  
11 a call or order of the President of the United States or to  
12 serve on State active duty, you may appoint a short-term  
13 guardian for your child for the period of your active duty  
14 service plus 30 days. When executing this form, include the  
15 date your active duty service is scheduled to begin in part 3  
16 and the date your active duty service is scheduled to end in  
17 part 4.

18 This form may not be used to appoint a guardian if there is  
19 a guardian already appointed for the child, except that if a  
20 guardian of the person of the child has been appointed, that  
21 guardian may use this form to appoint a short-term guardian.  
22 Both living parents of a child may together appoint a guardian  
23 of the child, or the guardian of the person of the child may  
24 appoint a guardian of the child, for a period of up to 365 days  
25 through the use of this form. If the short-term guardian is  
26 appointed by both living parents of the child, the parents need

1 not sign the form at the same time.]

2 1. Parent (or guardian) and Child. I, (insert name of  
3 appointing parent or guardian), currently residing at  
4 (insert address of appointing parent or guardian), am a  
5 parent (or the guardian of the person) of the following  
6 child (or of a child likely to be born): (insert name and  
7 date of birth of child, or insert the words "not yet born"  
8 to appoint a short-term guardian for a child likely to be  
9 born and the child's expected date of birth).

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

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

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

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

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

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

25 ( ) On the date my active duty service begins:  
26 (insert date).

1             Upon an administrative separation, as defined  
2            in Section 11-1.

3             Other: (insert other).

4            [NOTE: If this item is not completed, the appointment is  
5            effective immediately upon the date the form is signed and  
6            dated below.]

7            4. Termination. This appointment shall terminate 365  
8            days after the effective date, unless it terminates as  
9            determined by the event or date I have indicated below:

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

11            On the date that I state in writing that I am  
12           willing and able to make and carry out day-to-day child  
13           care decisions concerning the child, but not more than  
14           365 days after the effective date.

15            On the date that a physician familiar with my  
16           condition certifies in writing that I am willing and  
17           able to make and carry out day-to-day child care  
18           decisions concerning the child, but not more than 365  
19           days after the effective date.

20            On the date that I am discharged from the  
21           hospital or other health care institution where I was  
22           admitted as an in-patient, which established the  
23           effective date, but not more than 365 days after the  
24           effective date.

25            On the date which is (state a number of days,  
26           but no more than 365 days) days after the effective



1 date.

2 ( ) On the date no more than 30 days after my  
3 active duty service is scheduled to end: (insert date  
4 active duty service is scheduled to end).

5 ( ) In the event the administrative separation, as  
6 defined in Section 11-1, has been resolved.

7 ( ) Other: (insert other).

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

11 5. Date and signature of appointing parent or guardian.

12 This appointment is made this (insert day) day of (insert  
13 month and year).

14 Signed: (appointing parent)

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

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

1 Signed: (short-term guardian)

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

7 Signed: (consenting parent)

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

16 (Source: P.A. 98-568, eff. 1-1-14; 98-1082, eff. 1-1-15;  
17 99-599, eff. 1-1-17.)

18 (755 ILCS 5/11-8) (from Ch. 110 1/2, par. 11-8)

19 Sec. 11-8. Petition for guardian of minor.

20 (a) The petition for appointment of a guardian of the  
21 estate, or of both the person and estate, of a minor, or for  
22 appointment of the guardian of the person only of a minor or  
23 minors must state, if known: (1) the name, date of birth and  
24 residence of the minor; (2) the names and post office addresses  
25 of the nearest relatives of the minor in the following order:

1 (i) the spouse, if any; if none, (ii) the parents, adult  
2 brothers and sisters, and the short-term guardian, if any; if  
3 none, (iii) the nearest adult kindred; (3) the name and post  
4 office address of the person having the custody of the minor;  
5 (4) the approximate value of the personal estate; (5) the  
6 amount of the anticipated gross annual income and other  
7 receipts; (6) the name, post office address and, in case of an  
8 individual, the age and occupation of the proposed guardian;  
9 (7) the facts concerning the execution or admission to probate  
10 of the written designation of the guardian, if any, a copy of  
11 which shall be attached to or filed with the petition; and (8)  
12 the facts concerning any juvenile, adoption, parentage,  
13 dissolution, administrative separation, or guardianship court  
14 proceedings ~~actions~~ pending concerning the minor or the parents  
15 of the minor and whether any guardian is currently acting for  
16 the minor. In addition, if the petition seeks the appointment  
17 of a previously appointed standby guardian as guardian of the  
18 minor, the petition must also state: (9) the facts concerning  
19 the standby guardian's previous appointment and (10) the date  
20 of death of the minor's parent or parents or the facts  
21 concerning the consent of the minor's parent or parents to the  
22 appointment of the standby guardian as guardian, or the  
23 willingness and ability of the minor's parent or parents to  
24 make and carry out day-to-day child care decisions concerning  
25 the minor. The petition must include any documentation related  
26 to an administrative separation, including, but not limited to,

1 information contained in the online detainee locator system.

2 If a short-term guardian who has been appointed by the  
3 minor's parent or guardian prior to the filing of the petition  
4 subsequently petitions for court-ordered guardianship of the  
5 minor, the petition shall state the facts concerning the  
6 appointment of the short-term guardian, including: (i) the date  
7 of the appointment; (ii) the circumstances surrounding the  
8 appointment, including an administrative separation if  
9 applicable; (iii) the date the short-term guardian appointment  
10 ends; and (iv) the reasons why a court-ordered guardian is also  
11 needed for the minor. A copy of the short-term guardianship  
12 appointment and any documentation related to an administrative  
13 separation shall be attached to the petition.

14 (b) A single petition for appointment of only a guardian of  
15 the person of a minor may include more than one minor. The  
16 statements required in items (1) and (2) of subsection (a)  
17 shall be listed separately for each minor.

18 (Source: P.A. 98-1082, eff. 1-1-15.)

19 (755 ILCS 5/11-8.1)

20 Sec. 11-8.1. Petition for standby guardian of minor. The  
21 petition for appointment of a standby guardian of the person or  
22 the estate, or both, of a minor must state, if known: (a) the  
23 name, date of birth, and residence of the minor; (b) the names  
24 and post office addresses of the nearest relatives of the minor  
25 in the following order: (1) the parents, if any; (2) the adult

1 brothers and sisters, if any; if none, (3) the nearest adult  
2 kindred; (4) the short-term guardian, if any; (c) the name and  
3 post office address of the person having custody of the minor;  
4 (d) the name, post office address, and, in case of any  
5 individual, the age and occupation of the proposed standby  
6 guardian; (e) the facts concerning the consent of the minor's  
7 parent or parents or the guardian of the person of the minor to  
8 the appointment of the standby guardian, or the willingness and  
9 ability of the minor's parent or parents, if any, or the  
10 guardian of the person of the minor to make and carry out  
11 day-to-day child care decisions concerning the minor; (f) the  
12 facts concerning the execution or admission to probate of the  
13 written designation of the standby guardian, if any, a copy of  
14 which shall be attached to or filed with the petition; and (g)  
15 the facts concerning any juvenile, adoption, parentage,  
16 dissolution, ~~or~~ guardianship court, or administrative  
17 separation proceedings ~~actions~~ pending concerning the minor or  
18 the parents of the minor and whether any guardian is currently  
19 acting for the minor. If a short-term guardian has been  
20 appointed by the minor's parent or guardian and subsequently  
21 petitions for standby guardianship of the minor, the petition  
22 shall state the facts concerning the appointment of the  
23 short-term guardian, including: (i) the date of the  
24 appointment; (ii) the circumstances surrounding the  
25 appointment; (iii) the date the short-term guardian  
26 appointment ends; and (iv) the reasons why a standby guardian

1 is also needed for the minor, including administrative  
2 separation. A copy of the short-term guardianship appointment  
3 shall be attached to the petition. The petition must include  
4 any documentation related to an administrative separation,  
5 including, but not limited to, information contained in the  
6 online detainee locator system.

7 (Source: P.A. 98-1082, eff. 1-1-15.)

8 (755 ILCS 5/11-10.1) (from Ch. 110 1/2, par. 11-10.1)

9 Sec. 11-10.1. Procedure for appointment of a standby  
10 guardian or a guardian of a minor.

11 (a) Unless excused by the court for good cause shown, it is  
12 the duty of the petitioner to give notice of the time and place  
13 of the hearing on the petition, in person or by mail, to the  
14 minor, if the minor is 14 years, or older, and to the relatives  
15 and the short-term guardian of the minor whose names and  
16 addresses are stated in the petition, not less than 7 days  
17 before the hearing, but failure to give notice to any relative  
18 is not jurisdictional. Failure to give notice to any relative  
19 or parent out of the country is not jurisdictional if the  
20 petitioner can attest to: (1) the present location of the  
21 out-of-country parent and (2) the attempts made to contact the  
22 parent via mail, phone, email, social media, or a friend or  
23 relative.

24 (b) In any proceeding for the appointment of a standby  
25 guardian or a guardian the court may appoint a guardian ad

1 litem to represent the minor in the proceeding.

2 (Source: P.A. 98-1082, eff. 1-1-15; 99-207, eff. 7-30-15.)

3 (755 ILCS 5/11-13.1)

4 Sec. 11-13.1. Duties of standby guardian of a minor.

5 (a) Before a standby guardian of a minor may act, the  
6 standby guardian must be appointed by the court of the proper  
7 county and, in the case of a standby guardian of the minor's  
8 estate, the standby guardian must give the bond prescribed in  
9 subsection (d) of Section 11-5.3 and Section 12-2.

10 (b) The standby guardian shall not have any duties or  
11 authority to act until the standby guardian receives knowledge  
12 (i) of the death or consent of the minor's parent or parents or  
13 of the guardian of the person of the minor, ~~or~~ (ii) the  
14 inability of the minor's parent or parents or of the guardian  
15 of the person of the minor to make and carry out day-to-day  
16 child care decisions concerning the minor for whom the standby  
17 guardian has been appointed; or (iii) an administrative  
18 separation. This inability to make and carry out day-to-day  
19 child care decisions may be communicated either by the parent's  
20 or the guardian's own admission or by the written certification  
21 of the parent's or guardian's attending physician. Immediately  
22 upon receipt of that knowledge, the standby guardian shall  
23 assume all duties as guardian of the minor as previously  
24 determined by the order appointing the standby guardian, and as  
25 set forth in Section 11-13, and the standby guardian of the

1 person shall have the authority to act as guardian of the  
2 person without direction of court for a period of up to 60  
3 days, provided that the authority of the standby guardian may  
4 be limited or terminated by a court of competent jurisdiction.

5 (c) Within 60 days of the standby guardian's receipt of  
6 knowledge of (i) the death or consent of the minor's parent or  
7 parents or guardian or (ii) the inability of the minor's parent  
8 or parents or guardian to make and carry out day-to-day child  
9 care decisions concerning the minor, the standby guardian shall  
10 file or cause to be filed a petition for the appointment of a  
11 guardian of the person or estate, or both, of the minor under  
12 Section 11-5.

13 (Source: P.A. 90-796, eff. 12-15-98.)

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law.