



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4031

Introduced 02/28/05, by Rep. Elizabeth Coulson

SYNOPSIS AS INTRODUCED:

New Act

Creates the Designation of Person to Exercise Parental Rights Act. Provides that a parent of a minor may designate another person to exercise parental rights in relationship to the minor child. Lists the requirements for a designation. Provides that a parent may revoke a designation by notifying, either verbally or in writing, the designee or a school, health care provider, or health plan to which the designation has been presented, or by any other act evidencing a specific intent to evoke. Provides that a designation is revoked by the execution of a subsequent designation by the parent. Limits the liability of a person who acts based upon the consent of a designee and who reasonably and in good faith believes that the parent has in fact authorized the designee to provide the consent. Provides that a person may be deemed to have acted negligently, unreasonably, or improperly if he or she has knowledge of facts indicating that the designation was never given, did not extend to act or acts in question, or was revoked. Effective immediately.

LRB094 09676 LCB 39932 b

1 AN ACT concerning parental rights.

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

4 Section 1. Short title. This Act may be cited as the
5 Designation of Person to Exercise Parental Rights Act.

6 Section 5. Designation. A parent of a minor may designate
7 another person to exercise parental rights in relationship to
8 the minor child. The designation shall be in the form
9 prescribed by this Act and may be presented to any school,
10 health care provider, or health plan.

11 Section 10. Requirements for designation.

12 (a) A designation of a person to exercise parental rights
13 pursuant to this Act shall be in writing and shall include:

14 (1) the name of the parent;

15 (2) the name of the designee;

16 (3) an address and telephone number where the parent
17 can be reached, if available;

18 (4) the name and date of birth of each of the minor
19 children with respect to whom such designation is made;

20 (5) the date or contingent event on which the
21 designation commences;

22 (6) the written consent of the designee to the
23 designation; and

24 (7) the parent's signature and the date of the
25 signature.

26 (b) The designation may specify a period of time for which
27 the designation shall be valid unless earlier revoked.

28 Section 15. Authorization; limitation. A designation may
29 specify:

30 (1) the treatment, diagnosis or activities for which

1 consent is authorized;

2 (2) any treatment, diagnosis, or activity for which consent
3 is not authorized; or

4 (3) any other limitation on the duties and responsibilities
5 of the designee.

6 Section 20. Revocation. A parent may revoke a designation
7 by notifying, either verbally or in writing, the designee or a
8 school, health care provider, or health plan to which the
9 designation has been presented, or by any other act evidencing
10 a specific intent to revoke. A designation shall also be revoked
11 upon the execution by the parent of a subsequent designation.

12 Section 25. Liability of designee. A person who acts based
13 upon the consent of a designee who reasonably and in good faith
14 believes that the parent has in fact authorized the designee to
15 provide the consent, may not be deemed to have acted
16 negligently, unreasonably, or improperly in accepting the
17 designation and acting upon the consent. A person may be deemed
18 to have acted negligently, unreasonably, or improperly if he or
19 she has knowledge of facts indicating that the designation was
20 never given, did not extend to act or acts in question, or was
21 revoked.

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.