

1 AN ACT concerning guardianship.

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

4 Section 10. The Probate Act of 1975 is amended by changing
5 Sections 11-5.4 and 11-13.2 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. The
11 short-term guardian shall have authority to act as guardian of
12 the minor as provided in Section 11-13.2 for a period of 365 ~~60~~
13 days from the date the appointment is effective, unless the
14 written instrument provides for the appointment to terminate
15 upon an earlier specified date or event. Only one written
16 instrument appointing a short-term guardian may be in force at
17 any given time.

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

26 (e) The appointment of a short-term guardian or successor

1 short-term guardian does not affect the rights of the other
2 parent in the minor.

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

5 APPOINTMENT OF SHORT-TERM GUARDIAN

6 [IT IS IMPORTANT TO READ THE FOLLOWING INSTRUCTIONS:

7 By properly completing this form, a parent or the guardian
8 of the person of the child is appointing a guardian of a child
9 of the parent (or a minor ward of the guardian, as the case may
10 be) for a period of up to 365 ~~60~~ days. A separate form should be
11 completed for each child. The person appointed as the guardian
12 must sign the form, but need not do so at the same time as the
13 parent or parents or guardian.

14 This form may not be used to appoint a guardian if there is
15 a guardian already appointed for the child, except that if a
16 guardian of the person of the child has been appointed, that
17 guardian may use this form to appoint a short-term guardian.
18 Both living parents of a child may together appoint a guardian
19 of the child, or the guardian of the person of the child may
20 appoint a guardian of the child, for a period of up to 365 ~~60~~
21 days through the use of this form. If the short-term guardian
22 is appointed by both living parents of the child, the parents
23 need not sign the form at the same time.]

24 1. Parent (or guardian) and Child. I, (insert name of

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

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

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

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

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

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

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

23 () Other: (insert other).

24 [NOTE: If this item is not completed, the appointment is
25 effective immediately upon the date the form is signed and
26 dated below.]

1 4. Termination. This appointment shall terminate 365
2 ~~60~~ days after the effective date, unless it terminates
3 sooner as determined by the event or date I have indicated
4 below: (check one if you wish it to be applicable)

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

8 () On the date that a physician familiar with my
9 condition certifies in writing that I am willing and
10 able to make and carry out day-to-day child care
11 decisions concerning the child.

12 () On the date that I am discharged from the
13 hospital or other health care institution where I was
14 admitted as an in-patient, which established the
15 effective date.

16 () On the date which is (state a number of days,
17 but no more than 365 ~~60~~ days) days after the effective
18 date.

19 () Other: (insert other).

20 [NOTE: If this item is not completed, the appointment will be
21 effective for a period of 365 ~~60~~ days, beginning on the
22 effective date.]

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

24 This appointment is made this (insert day) day of (insert
25 month and year).

26 Signed: (appointing parent)

1 6. Witnesses. I saw the parent (or the guardian of the
2 person of the child) sign this instrument or I saw the
3 parent (or the guardian of the person of the child) direct
4 someone to sign this instrument for the parent (or the
5 guardian). Then I signed this instrument as a witness in
6 the presence of the parent (or the guardian). I am not
7 appointed in this instrument to act as the short-term
8 guardian for the child. (Insert space for names, addresses,
9 and signatures of 2 witnesses)

10 7. Acceptance of short-term guardian. I accept this
11 appointment as short-term guardian on this (insert day) day
12 of (insert month and year).

13 Signed: (short-term guardian)

14 8. Consent of child's other parent. I, (insert name of
15 the child's other living parent), currently residing at
16 (insert address of child's other living parent), hereby
17 consent to this appointment on this (insert day) day of
18 (insert month and year).

19 Signed: (consenting parent)

20 [NOTE: The signature of a consenting parent is not necessary if
21 one of the following applies: (i) the child's other parent has
22 died; or (ii) the whereabouts of the child's other parent are
23 not known; or (iii) the child's other parent is not willing or
24 able to make and carry out day-to-day child care decisions
25 concerning the child; or (iv) the child's parents were never
26 married and no court has issued an order establishing

1 parentage.]

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

3 (755 ILCS 5/11-13.2)

4 Sec. 11-13.2. Duties of short-term guardian of a minor.

5 (a) Immediately upon the effective date of the appointment
6 of a short-term guardian, the short-term guardian shall assume
7 all duties as short-term guardian of the minor as provided in
8 this Section. The short-term guardian of the person shall have
9 authority to act as short-term guardian, without direction of
10 court, for the duration of the appointment, which in no case
11 shall exceed a period of 365 ~~60~~ days. The authority of the
12 short-term guardian may be limited or terminated by a court of
13 competent jurisdiction.

14 (b) Unless further specifically limited by the instrument
15 appointing the short-term guardian, a short-term guardian
16 shall have the authority to act as a guardian of the person of
17 a minor as prescribed in Section 11-13, but shall not have any
18 authority to act as guardian of the estate of a minor, except
19 that a short-term guardian shall have the authority to apply
20 for and receive on behalf of the minor benefits to which the
21 child may be entitled from or under federal, State, or local
22 organizations or programs.

23 (Source: P.A. 88-529.)