



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5456

Introduced 2/5/2010, by Rep. Daniel V. Beiser

SYNOPSIS AS INTRODUCED:

755 ILCS 5/11a-4

from Ch. 110 1/2, par. 11a-4

Amends the Probate Act of 1975. Provides that a temporary guardianship shall expire within 60 days after the appointment or whenever a guardian is regularly appointed, whichever occurs first, unless the court extends the length of the temporary guardianship for good cause shown, which the court order shall specify (instead of whichever occurs first).

LRB096 18831 AJO 34217 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 Section 11a-4 as follows:

6 (755 ILCS 5/11a-4) (from Ch. 110 1/2, par. 11a-4)

7 Sec. 11a-4. Temporary guardian. Prior to the appointment of
8 a guardian under this Article, pending an appeal in relation to
9 the appointment, or pending the completion of a citation
10 proceeding brought pursuant to Section 23-3 of this Act, the
11 court may appoint a temporary guardian upon a showing of the
12 necessity therefor for the immediate welfare and protection of
13 the alleged disabled person or his estate on such notice and
14 subject to such conditions as the court may prescribe. In
15 determining the necessity for temporary guardianship, the
16 immediate welfare and protection of the alleged disabled person
17 and his or her estate shall be of paramount concern, and the
18 interests of the petitioner, any care provider, or any other
19 party shall not outweigh the interests of the alleged disabled
20 person. The temporary guardian shall have all of the powers and
21 duties of a guardian of the person or of the estate which are
22 specifically enumerated by court order. The court order shall
23 state the actual harm identified by the court that necessitates

1 temporary guardianship. The temporary guardianship shall
2 expire within 60 days after the appointment or whenever a
3 guardian is regularly appointed, whichever occurs first,
4 unless the court extends the length of the temporary
5 guardianship for good cause shown, which the court order shall
6 specify. Except pending the disposition on appeal of an
7 adjudication of disability, no extension shall be granted.
8 However, the ward shall have the right any time after the
9 appointment of a temporary guardian is made to petition the
10 court to revoke the appointment of the temporary guardian.
11 (Source: P.A. 89-396, eff. 8-20-95; 90-250, eff. 7-29-97.)