



Rep. Jennifer Gong-Gershowitz

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1 AMENDMENT TO HOUSE BILL 836

2 AMENDMENT NO. _____. Amend House Bill 836 by replacing
3 everything after the enacting clause with the following:

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, and 11-13.1
6 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 arrest, detention, incarceration, removal, or deportation in
13 connection with federal immigration enforcement; or (2)
14 receipt of official communication by federal, State, or local
15 authorities regarding immigration enforcement that gives
16 reasonable notice that care and supervision of the child by the

1 parent, legal guardian, legal custodian, or primary caretaker
2 will be interrupted or cannot be provided.

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

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

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

9 Sec. 11-5. Appointment of guardian.

10 (a) Upon the filing of a petition for the appointment of a
11 guardian or on its own motion, the court may appoint a guardian
12 of the estate or of both the person and estate, of a minor, or
13 may appoint a guardian of the person only of a minor or minors,
14 as the court finds to be in the best interest of the minor or
15 minors.

16 (a-1) A parent, adoptive parent or adjudicated parent,
17 whose parental rights have not been terminated, may designate
18 in any writing, including a will, a person qualified to act
19 under Section 11-3 to be appointed as guardian of the person or
20 estate, or both, of an unmarried minor or of a child likely to
21 be born. A parent, adoptive parent or adjudicated parent, whose
22 parental rights have not been terminated, or a guardian or a
23 standby guardian of an unmarried minor or of a child likely to
24 be born may designate in any writing, including a will, a
25 person qualified to act under Section 11-3 to be appointed as

1 successor guardian of the minor's person or estate, or both.
2 The designation must be witnessed by 2 or more credible
3 witnesses at least 18 years of age, neither of whom is the
4 person designated as the guardian. The designation may be
5 proved by any competent evidence. If the designation is
6 executed and attested in the same manner as a will, it shall
7 have prima facie validity. The designation of a guardian or
8 successor guardian does not affect the rights of the other
9 parent in the minor.

10 (b) The court lacks jurisdiction to proceed on a petition
11 for the appointment of a guardian of a minor if it finds that
12 (i) the minor has a living parent, adoptive parent or
13 adjudicated parent, whose parental rights have not been
14 terminated, whose whereabouts are known, and who is willing and
15 able to make and carry out day-to-day child care decisions
16 concerning the minor, unless: (1) the parent or parents
17 voluntarily relinquished physical custody of the minor; (2)
18 after receiving notice of the hearing under Section 11-10.1,
19 the parent or parents fail to object to the appointment at the
20 hearing on the petition; ~~or~~ (3) the parent or parents consent
21 to the appointment as evidenced by a written document that has
22 been notarized and dated, or by a personal appearance and
23 consent in open court; or (4) the parent or parents, due to an
24 administrative separation, are unable to give consent to the
25 appointment in person or by a notarized, written document as
26 evidenced by a sworn affidavit submitted by the petitioner

1 describing the parent's or parents' inability to receive notice
2 or give consent; or (ii) there is a guardian for the minor
3 appointed by a court of competent jurisdiction. There shall be
4 a rebuttable presumption that a parent of a minor is willing
5 and able to make and carry out day-to-day child care decisions
6 concerning the minor, but the presumption may be rebutted by a
7 preponderance of the evidence. If a short-term guardian has
8 been appointed for the minor prior to the filing of the
9 petition and the petitioner for guardianship is not the
10 short-term guardian, there shall be a rebuttable presumption
11 that it is in the best interest of the minor to remain in the
12 care of the short-term guardian. The petitioner shall have the
13 burden of proving by a preponderance of the evidence that it is
14 not in the child's best interest to remain with the short-term
15 guardian.

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

24 (c) If the minor is 14 years of age or more, the minor may
25 nominate the guardian of the minor's person and estate, subject
26 to approval of the court. If the minor's nominee is not

1 approved by the court or if, after notice to the minor, the
2 minor fails to nominate a guardian of the minor's person or
3 estate, the court may appoint the guardian without nomination.

4 (d) The court shall not appoint as guardian of the person
5 of the minor any person whom the court has determined had
6 caused or substantially contributed to the minor becoming a
7 neglected or abused minor as defined in the Juvenile Court Act
8 of 1987, unless 2 years have elapsed since the last proven
9 incident of abuse or neglect and the court determines that
10 appointment of such person as guardian is in the best interests
11 of the minor.

12 (e) Previous statements made by the minor relating to any
13 allegations that the minor is an abused or neglected child
14 within the meaning of the Abused and Neglected Child Reporting
15 Act, or an abused or neglected minor within the meaning of the
16 Juvenile Court Act of 1987, shall be admissible in evidence in
17 a hearing concerning appointment of a guardian of the person or
18 estate of the minor. No such statement, however, if
19 uncorroborated and not subject to cross-examination, shall be
20 sufficient in itself to support a finding of abuse or neglect.

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

22 (755 ILCS 5/11-5.3)

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

24 (a) A parent, adoptive parent, or adjudicated parent whose
25 parental rights have not been terminated, or the guardian of

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

19 (b) Upon the filing of a petition for the appointment of a
20 standby guardian, the court may appoint a standby guardian of
21 the person or estate, or both, of a minor as the court finds to
22 be in the best interest of the minor.

23 (c) The court lacks jurisdiction to proceed on a petition
24 for the appointment of a standby guardian of a minor if the
25 minor has a living parent, adoptive parent or adjudicated
26 parent, whose parental rights have not been terminated, whose

1 whereabouts are known, and who is willing and able to make and
2 carry out day-to-day child care decisions concerning the minor,
3 unless the parent or parents: (1) consent to the appointment;
4 (2) ~~or,~~ after receiving notice of the hearing under Section
5 11-10.1, fail to object to the appointment at the hearing on
6 the petition; or (3) due to an administrative separation, are
7 unable to give consent to the appointment in person or by a
8 notarized, written document as evidenced by a sworn affidavit
9 submitted by the petitioner describing the parent's or parents'
10 inability to receive notice or give consent. There shall be a
11 rebuttable presumption that a parent of a minor is willing and
12 able to make and carry out day-to-day child care decisions
13 concerning the minor, but the presumption may be rebutted by a
14 preponderance of the evidence.

15 (d) The standby guardian shall take and file an oath or
16 affirmation that the standby guardian will faithfully
17 discharge the duties of the office of standby guardian
18 according to law, and shall file in and have approved by the
19 court a bond binding the standby guardian so to do, but shall
20 not be required to file a bond until the standby guardian
21 assumes all duties as guardian of the minor under Section
22 11-13.1.

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

25 DESIGNATION OF STANDBY GUARDIAN

1 [IT IS IMPORTANT TO READ THE FOLLOWING INSTRUCTIONS:

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

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

23 2. Standby Guardian. I hereby designate the following
24 person to be appointed as standby guardian for the child or
25 children listed above (insert name and address of person

1 designated).

2 3. Successor Standby Guardian. If the person named in
3 item 2 above cannot or will not act as standby guardian, I
4 designate the following person to be appointed as successor
5 standby guardian for the child or children: (insert name
6 and address of person designated).

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

9 Signed: (designating parent or guardian)

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

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

20 (755 ILCS 5/11-5.4)

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

22 (a) A parent, adoptive parent, or adjudicated parent whose
23 parental rights have not been terminated, or the guardian of
24 the person of a minor may appoint in writing, without court
25 approval, a short-term guardian of an unmarried minor or a

1 child likely to be born. The written instrument appointing a
2 short-term guardian shall be dated and shall identify the
3 appointing parent or guardian, the minor, and the person
4 appointed to be the short-term guardian. The written instrument
5 shall be signed by, or at the direction of, the appointing
6 parent in the presence of at least 2 credible witnesses at
7 least 18 years of age, neither of whom is the person appointed
8 as the short-term guardian. The person appointed as the
9 short-term guardian shall also sign the written instrument, but
10 need not sign at the same time as the appointing parent.

11 (b) A parent or guardian shall not appoint a short-term
12 guardian of a minor if the minor has another living parent,
13 adoptive parent or adjudicated parent, whose parental rights
14 have not been terminated, whose whereabouts are known, and who
15 is willing and able to make and carry out day-to-day child care
16 decisions concerning the minor, unless the nonappointing
17 parent consents to the appointment by signing the written
18 instrument of appointment.

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

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

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

13 (d-5) Except as provided in subsection (e-5) or (e-10), a
14 short-term guardian appointed as the result of an
15 administrative separation may renew a short-term guardianship
16 for an additional 365 days from the date the initial
17 appointment expires if the administrative separation is still
18 in effect, unless the written instrument provides for the
19 appointment to terminate upon a different date or event as
20 permitted by this Section.

21 (e) The appointment of a short-term guardian or successor
22 short-term guardian does not affect the rights of the other
23 parent in the minor. The short-term guardian appointment does
24 not constitute consent for court appointment of a guardian.

25 (e-5) Any time after the appointment of a temporary
26 custodian under Section 2-10, 3-12, 4-9, 5-410, or 5-501 of the

1 Juvenile Court Act of 1987, and after notice to all parties,
2 including the short-term guardian, as required by the Juvenile
3 Court Act of 1987, a court may vacate any short-term
4 guardianship for the minor appointed under this Section,
5 provided the vacation is consistent with the minor's best
6 interests as determined using the factors listed in paragraph
7 (4.05) of Section 1-3 of the Juvenile Court Act of 1987.

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

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

25 APPOINTMENT OF SHORT-TERM GUARDIAN

1 [IT IS IMPORTANT TO READ THE FOLLOWING INSTRUCTIONS:

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

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

24 This form may not be used to appoint a guardian if there is
25 a guardian already appointed for the child, except that if a

1 guardian of the person of the child has been appointed, that
2 guardian may use this form to appoint a short-term guardian.
3 Both living parents of a child may together appoint a guardian
4 of the child, or the guardian of the person of the child may
5 appoint a guardian of the child, for a period of up to 365 days
6 through the use of this form. If the short-term guardian is
7 appointed by both living parents of the child, the parents need
8 not sign the form at the same time.]

9 1. Parent (or guardian) and Child. I, (insert name of
10 appointing parent or guardian), currently residing at
11 (insert address of appointing parent or guardian), am a
12 parent (or the guardian of the person) of the following
13 child (or of a child likely to be born): (insert name and
14 date of birth of child, or insert the words "not yet born"
15 to appoint a short-term guardian for a child likely to be
16 born and the child's expected date of birth).

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

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

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

25 () On the date that a physician familiar with my
26 condition certifies in writing that I am no longer

1 willing or able to make and carry out day-to-day child
2 care decisions concerning the child.

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

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

6 () On the date my active duty service begins:
7 (insert date).

8 () Upon an administrative separation, as defined
9 in Section 11-1.

10 () Other: (insert other).

11 [NOTE: If this item is not completed, the appointment is
12 effective immediately upon the date the form is signed and
13 dated below.]

14 4. Termination. This appointment shall terminate 365
15 days after the effective date, unless it terminates as
16 determined by the event or date I have indicated below:
17 (check one if you wish it to be applicable)

18 () On the date that I state in writing that I am
19 willing and able to make and carry out day-to-day child
20 care decisions concerning the child, but not more than
21 365 days after the effective date.

22 () On the date that a physician familiar with my
23 condition certifies in writing that I am willing and
24 able to make and carry out day-to-day child care
25 decisions concerning the child, but not more than 365
26 days after the effective date.

1 () On the date that I am discharged from the
2 hospital or other health care institution where I was
3 admitted as an in-patient, which established the
4 effective date, but not more than 365 days after the
5 effective date.

6 () On the date which is (state a number of days,
7 but no more than 365 days) days after the effective
8 date.

9 () On the date no more than 30 days after my
10 active duty service is scheduled to end: (insert date
11 active duty service is scheduled to end).

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

14 () Other: (insert other).

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

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

19 This appointment is made this (insert day) day of (insert
20 month and year).

21 Signed: (appointing parent)

22 6. Witnesses. I saw the parent (or the guardian of the
23 person of the child) sign this instrument or I saw the
24 parent (or the guardian of the person of the child) direct
25 someone to sign this instrument for the parent (or the
26 guardian). Then I signed this instrument as a witness in

1 the presence of the parent (or the guardian). I am not
2 appointed in this instrument to act as the short-term
3 guardian for the child. (Insert space for names, addresses,
4 and signatures of 2 witnesses)

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

8 Signed: (short-term guardian)

9 8. Consent of child's other parent. I, (insert name of
10 the child's other living parent), currently residing at
11 (insert address of child's other living parent), hereby
12 consent to this appointment on this (insert day) day of
13 (insert month and year).

14 Signed: (consenting parent)

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

23 (Source: P.A. 98-568, eff. 1-1-14; 98-1082, eff. 1-1-15;
24 99-599, eff. 1-1-17.)

25 (755 ILCS 5/11-8) (from Ch. 110 1/2, par. 11-8)

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

2 (a) The petition for appointment of a guardian of the
3 estate, or of both the person and estate, of a minor, or for
4 appointment of the guardian of the person only of a minor or
5 minors must state, if known: (1) the name, date of birth and
6 residence of the minor; (2) the names and post office addresses
7 of the nearest relatives of the minor in the following order:
8 (i) the spouse, if any; if none, (ii) the parents, adult
9 brothers and sisters, and the short-term guardian, if any; if
10 none, (iii) the nearest adult kindred; (3) the name and post
11 office address of the person having the custody of the minor;
12 (4) the approximate value of the personal estate; (5) the
13 amount of the anticipated gross annual income and other
14 receipts; (6) the name, post office address and, in case of an
15 individual, the age and occupation of the proposed guardian;
16 (7) the facts concerning the execution or admission to probate
17 of the written designation of the guardian, if any, a copy of
18 which shall be attached to or filed with the petition; and (8)
19 the facts concerning any juvenile, adoption, parentage,
20 dissolution, or guardianship court proceedings ~~actions~~ pending
21 concerning the minor or the parents of the minor and whether
22 any guardian is currently acting for the minor. In addition, if
23 the petition seeks the appointment of a previously appointed
24 standby guardian as guardian of the minor, the petition must
25 also state: (9) the facts concerning the standby guardian's
26 previous appointment and (10) the date of death of the minor's

1 parent or parents or the facts concerning the consent of the
2 minor's parent or parents to the appointment of the standby
3 guardian as guardian, or the willingness and ability of the
4 minor's parent or parents to make and carry out day-to-day
5 child care decisions concerning the minor.

6 The petition must include facts concerning an
7 administrative separation of the parent or parents including
8 the date of the separation and the known or presumed location
9 of the parent or parents and any documentation related to an
10 administrative separation, including, but not limited to,
11 information contained in the online detainee locator system.
12 Documentation related to an administrative separation shall be
13 attached to the petition as an exhibit.

14 If a short-term guardian who has been appointed by the
15 minor's parent or guardian prior to the filing of the petition
16 subsequently petitions for court-ordered guardianship of the
17 minor, the petition shall state the facts concerning the
18 appointment of the short-term guardian, including: (i) the date
19 of the appointment; (ii) the circumstances surrounding the
20 appointment; (iii) the date the short-term guardian
21 appointment ends; and (iv) the reasons why a court-ordered
22 guardian is also needed for the minor. A copy of the short-term
23 guardianship appointment shall be attached to the petition.

24 (b) A single petition for appointment of only a guardian of
25 the person of a minor may include more than one minor. The
26 statements required in items (1) and (2) of subsection (a)

1 shall be listed separately for each minor.

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

3 (755 ILCS 5/11-8.1)

4 Sec. 11-8.1. Petition for standby guardian of minor. The
5 petition for appointment of a standby guardian of the person or
6 the estate, or both, of a minor must state, if known: (a) the
7 name, date of birth, and residence of the minor; (b) the names
8 and post office addresses of the nearest relatives of the minor
9 in the following order: (1) the parents, if any; (2) the adult
10 brothers and sisters, if any; if none, (3) the nearest adult
11 kindred; (4) the short-term guardian, if any; (c) the name and
12 post office address of the person having custody of the minor;
13 (d) the name, post office address, and, in case of any
14 individual, the age and occupation of the proposed standby
15 guardian; (e) the facts concerning the consent of the minor's
16 parent or parents or the guardian of the person of the minor to
17 the appointment of the standby guardian, or the willingness and
18 ability of the minor's parent or parents, if any, or the
19 guardian of the person of the minor to make and carry out
20 day-to-day child care decisions concerning the minor; (f) the
21 facts concerning the execution or admission to probate of the
22 written designation of the standby guardian, if any, a copy of
23 which shall be attached to or filed with the petition; and (g)
24 the facts concerning any juvenile, adoption, parentage,
25 dissolution, or guardianship court proceedings ~~actions~~ pending

1 concerning the minor or the parents of the minor and whether
2 any guardian is currently acting for the minor. If a short-term
3 guardian has been appointed by the minor's parent or guardian
4 and subsequently petitions for standby 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; (iii) the date the short-term guardian
9 appointment ends; and (iv) the reasons why a standby guardian
10 is also needed for the minor. A copy of the short-term
11 guardianship appointment shall be attached to the petition.

12 The petition must include facts concerning an
13 administrative separation of the parent or parents including
14 the date of the separation and the known or presumed location
15 of the parent or parents and any documentation related to an
16 administrative separation, including, but not limited to,
17 information contained in the online detainee locator system.
18 Documentation related to an administrative separation shall be
19 attached to the petition as an exhibit.

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

21 (755 ILCS 5/11-13.1)

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

23 (a) Before a standby guardian of a minor may act, the
24 standby guardian must be appointed by the court of the proper
25 county and, in the case of a standby guardian of the minor's

1 estate, the standby guardian must give the bond prescribed in
2 subsection (d) of Section 11-5.3 and Section 12-2.

3 (b) The standby guardian shall not have any duties or
4 authority to act until the standby guardian receives knowledge
5 ~~(i)~~ of: (i) the death or consent of the minor's parent or
6 parents or of the guardian of the person of the minor; ~~or~~
7 (ii) the inability of the minor's parent or parents or of the
8 guardian of the person of the minor to make and carry out
9 day-to-day child care decisions concerning the minor for whom
10 the standby guardian has been appointed; or (iii) an
11 administrative separation. This inability to make and carry out
12 day-to-day child care decisions may be communicated either by
13 the parent's or the guardian's own admission or by the written
14 certification of the parent's or guardian's attending
15 physician. Immediately upon receipt of that knowledge, the
16 standby guardian shall assume all duties as guardian of the
17 minor as previously determined by the order appointing the
18 standby guardian, and as set forth in Section 11-13, and the
19 standby guardian of the person shall have the authority to act
20 as guardian of the person without direction of court for a
21 period of up to 60 days, provided that the authority of the
22 standby guardian may be limited or terminated by a court of
23 competent jurisdiction.

24 (c) Within 60 days of the standby guardian's receipt of
25 knowledge of (i) the death or consent of the minor's parent or
26 parents or guardian or (ii) the inability of the minor's parent

1 or parents or guardian to make and carry out day-to-day child
2 care decisions concerning the minor, the standby guardian shall
3 file or cause to be filed a petition for the appointment of a
4 guardian of the person or estate, or both, of the minor under
5 Section 11-5.

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

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.".