



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB5089

Introduced 1/29/2010, by Rep. Daniel V. Beiser

#### SYNOPSIS AS INTRODUCED:

755 ILCS 5/11-7

from Ch. 110 1/2, par. 11-7

Amends the Probate Act of 1975. Provides that in regard to a petition for the appointment of a guardian of a minor, if both parents of a minor are fit persons and willing and able to make and carry out day-to-day child care decisions concerning the minor (instead of if both parents of a minor are living and are competent to transact their own business and are fit persons), they are entitled to the custody of the person of the minor and the direction of his education. If one parent is dead and the surviving parent is a fit person and is willing and able to make and carry out day-to-day child care decisions concerning the minor (instead of if one parent is dead and the surviving parent is competent to transact his own business and is a fit person), he or she is similarly entitled.

LRB096 18844 AJO 34230 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 11-7 as follows:

6 (755 ILCS 5/11-7) (from Ch. 110 1/2, par. 11-7)

7 Sec. 11-7. Parental right to custody.) In regard to a  
8 petition for the appointment of a guardian of a minor, if ~~if~~  
9 both parents of a minor are ~~living and are competent to~~  
10 ~~transact their own business and are fit persons~~ and willing and  
11 able to make and carry out day-to-day child care decisions  
12 concerning the minor, they are entitled to the custody of the  
13 person of the minor and the direction of his education. If one  
14 parent is dead and the surviving parent ~~is competent to~~  
15 ~~transact his own business and~~ is a fit person and is willing  
16 and able to make and carry out day-to-day child care decisions  
17 concerning the minor, he or she is similarly entitled. The  
18 parents have equal powers, rights and duties concerning the  
19 minor. If the parents live apart, the court for good reason may  
20 award the custody and education of the minor to either parent  
21 or to some other person.

22 (Source: P.A. 79-328.)