



Rep. Emily McAsey

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09800HB2434ham001

LRB098 08060 HEP 42824 a

1 AMENDMENT TO HOUSE BILL 2434

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2434 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Probate Act of 1975 is amended by changing  
5 Section 11-5.4 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

1 parent in the presence of at least 2 credible witnesses at  
2 least 18 years of age, neither of whom is the person appointed  
3 as the short-term guardian. The person appointed as the  
4 short-term guardian shall also sign the written instrument, but  
5 need not sign at the same time as the appointing parent.

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

14 (c) The appointment of the short-term guardian is effective  
15 immediately upon the date the written instrument is executed,  
16 unless the written instrument provides for the appointment to  
17 become effective upon a later specified date or event. Except  
18 as provided in subsection (e-5) of this Section, the ~~The~~  
19 short-term guardian shall have authority to act as guardian of  
20 the minor as provided in Section 11-13.2 for a period of 365  
21 days from the date the appointment is effective, unless the  
22 written instrument provides for the appointment to terminate  
23 upon an earlier specified date or event. Only one written  
24 instrument appointing a short-term guardian may be in force at  
25 any given time.

26 (d) Every appointment of a short-term guardian may be

1 amended or revoked by the appointing parent or by the  
2 appointing guardian of the person of the minor at any time and  
3 in any manner communicated to the short-term guardian or to any  
4 other person. Any person other than the short-term guardian to  
5 whom a revocation or amendment is communicated or delivered  
6 shall make all reasonable efforts to inform the short-term  
7 guardian of that fact as promptly as possible.

8 (e) The appointment of a short-term guardian or successor  
9 short-term guardian does not affect the rights of the other  
10 parent in the minor.

11 (e-5) Any time after the appointment of a temporary  
12 custodian under Section 2-10, 3-12, 4-9, 5-410, or 5-501 of the  
13 Juvenile Court Act of 1987, a court may vacate any short-term  
14 guardianship for the minor appointed under this Section,  
15 provided the vacation is consistent with the minor's best  
16 interests as determined using the factors listed in paragraph  
17 (4.05) of Section 1-3 of the Juvenile Court Act of 1987.

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

20 APPOINTMENT OF SHORT-TERM GUARDIAN

21 [ IT IS IMPORTANT TO READ THE FOLLOWING INSTRUCTIONS:

22 By properly completing this form, a parent or the guardian  
23 of the person of the child is appointing a guardian of a child  
24 of the parent (or a minor ward of the guardian, as the case may

1 be) for a period of up to 365 days. A separate form should be  
2 completed for each child. The person appointed as the guardian  
3 must sign the form, but need not do so at the same time as the  
4 parent or parents or guardian.

5 This form may not be used to appoint a guardian if there is  
6 a guardian already appointed for the child, except that if a  
7 guardian of the person of the child has been appointed, that  
8 guardian may use this form to appoint a short-term guardian.  
9 Both living parents of a child may together appoint a guardian  
10 of the child, or the guardian of the person of the child may  
11 appoint a guardian of the child, for a period of up to 365 days  
12 through the use of this form. If the short-term guardian is  
13 appointed by both living parents of the child, the parents need  
14 not sign the form at the same time.]

15 1. Parent (or guardian) and Child. I, (insert name of  
16 appointing parent or guardian), currently residing at  
17 (insert address of appointing parent or guardian), am a  
18 parent (or the guardian of the person) of the following  
19 child (or of a child likely to be born): (insert name and  
20 date of birth of child, or insert the words "not yet born"  
21 to appoint a short-term guardian for a child likely to be  
22 born and the child's expected date of birth).

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

26 3. Effective date. This appointment becomes effective:

1 (check one if you wish it to be applicable)

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

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

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

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

12 ( ) Other: (insert other).

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

16 4. Termination. This appointment shall terminate 365  
17 days after the effective date, unless it terminates sooner  
18 as determined by the event or date I have indicated below:

19 (check one if you wish it to be applicable)

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

23 ( ) On the date that a physician familiar with my  
24 condition certifies in writing that I am willing and  
25 able to make and carry out day-to-day child care  
26 decisions concerning the child.

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.

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

8           ( ) Other: (insert other).

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

12           5. Date and signature of appointing parent or guardian.  
13           This appointment is made this (insert day) day of (insert  
14           month and year).

15           Signed: (appointing parent)

16           6. Witnesses. I saw the parent (or the guardian of the  
17           person of the child) sign this instrument or I saw the  
18           parent (or the guardian of the person of the child) direct  
19           someone to sign this instrument for the parent (or the  
20           guardian). Then I signed this instrument as a witness in  
21           the presence of the parent (or the guardian). I am not  
22           appointed in this instrument to act as the short-term  
23           guardian for the child. (Insert space for names, addresses,  
24           and signatures of 2 witnesses)

25           7. Acceptance of short-term guardian. I accept this  
26           appointment as short-term guardian on this (insert day) day

1 of (insert month and year).

2 Signed: (short-term guardian)

3 8. Consent of child's other parent. I, (insert name of  
4 the child's other living parent), currently residing at  
5 (insert address of child's other living parent), hereby  
6 consent to this appointment on this (insert day) day of  
7 (insert month and year).

8 Signed: (consenting parent)

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

17 (Source: P.A. 95-568, eff. 6-1-08.)".