



## 98TH GENERAL ASSEMBLY

### State of Illinois

### 2013 and 2014

### HB5686

by Rep. Barbara Flynn Currie

#### SYNOPSIS AS INTRODUCED:

755 ILCS 5/11-5	from Ch. 110 1/2, par. 11-5
755 ILCS 5/11-5.4	
755 ILCS 5/11-8	from Ch. 110 1/2, par. 11-8
755 ILCS 5/11-8.1	
755 ILCS 5/11-10.1	from Ch. 110 1/2, par. 11-10.1
755 ILCS 5/11-13	from Ch. 110 1/2, par. 11-13

Amends the Probate Act of 1975. Provides that a court lacks jurisdiction to proceed on a petition for the appointment of a guardian of a minor if it finds that there is a short-term guardian appointed who is fit, willing, and able to care for the minor and that when the petitioner is not the short-term guardian of the minor, there shall be a rebuttable presumption that the short-term guardian of the minor is fit, willing, and able to care for the minor and that the petitioner shall have the burden of proving that the short-term guardian is not fit, willing, or able to care for the minor or that the short-term guardianship has been vacated. Further provides that the appointment of a short-term guardian does not constitute parental consent for court appointment of a guardian. Provides that if a short-term guardian appointed by the minor's parent or guardian petitions for guardianship or standby guardianship, his or her petition must state certain facts concerning his or her appointment as short-term guardian and include a copy of the short-term guardianship appointment with the petition. Provides that a guardian of a minor shall not remove a minor from the State for more than 30 days without first petitioning the court for removal and obtaining leave of the court.

LRB098 20113 ZMM 55402 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 Sections 11-5, 11-5.4, 11-8, 11-8.1, 11-10.1, and 11-13 as  
6 follows:

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

8 Sec. 11-5. Appointment of guardian.

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

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

1 person qualified to act under Section 11-3 to be appointed as  
2 successor guardian of the minor's person or estate, or both.  
3 The designation must be witnessed by 2 or more credible  
4 witnesses at least 18 years of age, neither of whom is the  
5 person designated as the guardian. The designation may be  
6 proved by any competent evidence. If the designation is  
7 executed and attested in the same manner as a will, it shall  
8 have prima facie validity. The designation of a guardian or  
9 successor guardian does not affect the rights of the other  
10 parent in the minor.

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

1 (b) who is fit, willing, and able to care for the minor. There  
2 shall be a rebuttable presumption that a parent of a minor is  
3 willing and able to make and carry out day-to-day child care  
4 decisions concerning the minor, but the presumption may be  
5 rebutted by a preponderance of the evidence. When the  
6 petitioner is not the short-term guardian of the minor, there  
7 shall be a rebuttable presumption that a short-term guardian of  
8 a minor is fit, willing, and able to care for the minor, and  
9 the petitioner shall have the burden of proving by a  
10 preponderance of evidence that the short-term guardian is not  
11 fit, willing, or able to care for the minor or that the  
12 short-term guardianship has been vacated under subsection  
13 (e-5) of Section 11-5.4.

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

22 (c) If the minor is 14 years of age or more, the minor may  
23 nominate the guardian of the minor's person and estate, subject  
24 to approval of the court. If the minor's nominee is not  
25 approved by the court or if, after notice to the minor, the  
26 minor fails to nominate a guardian of the minor's person or

1 estate, the court may appoint the guardian without nomination.

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

10 (e) Previous statements made by the minor relating to any  
11 allegations that the minor is an abused or neglected child  
12 within the meaning of the Abused and Neglected Child Reporting  
13 Act, or an abused or neglected minor within the meaning of the  
14 Juvenile Court Act of 1987, shall be admissible in evidence in  
15 a hearing concerning appointment of a guardian of the person or  
16 estate of the minor. No such statement, however, if  
17 uncorroborated and not subject to cross-examination, shall be  
18 sufficient in itself to support a finding of abuse or neglect.  
19 (Source: P.A. 96-1338, eff. 1-1-11.)

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) of this Section, the short-term  
24 guardian shall have authority to act as guardian of the minor  
25 as provided in Section 11-13.2 for a period of 365 days from  
26 the date the appointment is effective, unless the written

1 instrument provides for the appointment to terminate upon an  
2 earlier specified date or event. Only one written instrument  
3 appointing a short-term guardian may be in force at any given  
4 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 (e) The appointment of a short-term guardian or successor  
14 short-term guardian does not affect the rights of the other  
15 parent in the minor. The short-term guardian appointment does  
16 not constitute consent for court appointment of a guardian.

17 (e-5) Any time after the appointment of a temporary  
18 custodian under Section 2-10, 3-12, 4-9, 5-410, or 5-501 of the  
19 Juvenile Court Act of 1987, and after notice to all parties,  
20 including the short-term guardian, as required by the Juvenile  
21 Court Act of 1987, a court may vacate any short-term  
22 guardianship for the minor appointed under this Section,  
23 provided the vacation is consistent with the minor's best  
24 interests as determined using the factors listed in paragraph  
25 (4.05) of Section 1-3 of the Juvenile Court Act of 1987.

26 (f) The written instrument appointing a short-term

1 guardian may, but need not, be in the following form:

2 APPOINTMENT OF SHORT-TERM GUARDIAN

3 [ IT IS IMPORTANT TO READ THE FOLLOWING INSTRUCTIONS:

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

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

21 1. Parent (or guardian) and Child. I, (insert name of  
22 appointing parent or guardian), currently residing at  
23 (insert address of appointing parent or guardian), am a  
24 parent (or the guardian of the person) of the following



1 child (or of a child likely to be born): (insert name and  
2 date of birth of child, or insert the words "not yet born"  
3 to appoint a short-term guardian for a child likely to be  
4 born and the child's expected date of birth).

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

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

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

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

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

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

20 ( ) Other: (insert other).

21 [NOTE: If this item is not completed, the appointment is  
22 effective immediately upon the date the form is signed and  
23 dated below.]

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

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

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

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

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

13 ( ) On the date which is (state a number of days,  
14 but no more than 365 days) days after the effective  
15 date.

16 ( ) Other: (insert other).

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

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

21 This appointment is made this (insert day) day of (insert  
22 month and year).

23 Signed: (appointing parent)

24 6. Witnesses. I saw the parent (or the guardian of the  
25 person of the child) sign this instrument or I saw the  
26 parent (or the guardian of the person of the child) direct

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

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

10 Signed: (short-term guardian)

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

16 Signed: (consenting parent)

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

25 (Source: P.A. 98-568, eff. 1-1-14.)

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

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

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

1 appointment and (10) the date of death of the minor's parent or  
2 parents or the facts concerning the consent of the minor's  
3 parent or parents to the appointment of the standby guardian as  
4 guardian, or the willingness and ability of the minor's parent  
5 or parents to make and carry out day-to-day child care  
6 decisions concerning the minor; (11) if a short-term guardian  
7 appointed for the minor by the minor's parent or guardian  
8 petitions for guardianship, the short-term guardian shall also  
9 state the facts concerning the appointment of the short-term  
10 guardian including the circumstances surrounding the  
11 appointment, the length of the appointment, and the reasons why  
12 a court-ordered guardian is needed for the minor. A copy of the  
13 short-term guardianship appointment shall be attached to the  
14 petition.

15 (b) A single petition for appointment of only a guardian of  
16 the person of a minor may include more than one minor. The  
17 statements required in items (1) and (2) of subsection (a)  
18 shall be listed separately for each minor.

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

20 (755 ILCS 5/11-8.1)

21 Sec. 11-8.1. Petition for standby guardian of minor. The  
22 petition for appointment of a standby guardian of the person or  
23 the estate, or both, of a minor must state, if known: (a) the  
24 name, date of birth, and residence of the minor; (b) the names  
25 and post office addresses of the nearest relatives of the minor

1 in the following order: (1) the parents, if any; ~~if none,~~ (2)  
2 the adult brothers and sisters, if any; if none, (3) the  
3 nearest adult kindred; (4) the short-term guardian, if any; (c)  
4 the name and post office address of the person having custody  
5 of the minor; (d) the name, post office address, and, in case  
6 of any individual, the age and occupation of the proposed  
7 standby guardian; (e) the facts concerning the consent of the  
8 minor's parent or parents or the guardian of the person of the  
9 minor to the appointment of the standby guardian, or the  
10 willingness and ability of the minor's parent or parents, if  
11 any, or the guardian of the person of the minor to make and  
12 carry out day-to-day child care decisions concerning the minor;  
13 (f) the facts concerning the execution or admission to probate  
14 of the written designation of the standby guardian, if any, a  
15 copy of which shall be attached to or filed with the petition;  
16 and (g) the facts concerning any juvenile, adoption, parentage,  
17 dissolution, or guardianship court actions pending concerning  
18 the minor or the parents of the minor and whether any guardian  
19 is currently acting for the minor; (h) if a short-term guardian  
20 has been appointed for the minor by the minor's parent or  
21 guardian, the petition shall state the facts concerning the  
22 appointment of the short-term guardian, including the  
23 circumstances surrounding the appointment, the length of the  
24 appointment, and the reasons why a court-ordered guardian is  
25 also needed for the minor. A copy of the short-term  
26 guardianship appointment shall be attached to the petition.

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

2 (755 ILCS 5/11-10.1) (from Ch. 110 1/2, par. 11-10.1)

3 Sec. 11-10.1. Procedure for appointment of a standby  
4 guardian or a guardian of a minor.

5 (a) Unless excused by the court for good cause shown, it is  
6 the duty of the petitioner to give notice of the time and place  
7 of the hearing on the petition, in person or by mail, to the  
8 minor, if the minor is 14 years, or older, and to the relatives  
9 and the short-term guardian of the minor whose names and  
10 addresses are stated in the petition, not less than 3 days  
11 before the hearing, but failure to give notice to any relative  
12 is not jurisdictional.

13 (b) In any proceeding for the appointment of a standby  
14 guardian or a guardian the court may appoint a guardian ad  
15 litem to represent the minor in the proceeding.

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

17 (755 ILCS 5/11-13) (from Ch. 110 1/2, par. 11-13)

18 Sec. 11-13. Duties of guardian of a minor. Before a  
19 guardian of a minor may act, the guardian shall be appointed by  
20 the court of the proper county and, in the case of a guardian  
21 of the minor's estate, the guardian shall give the bond  
22 prescribed in Section 12-2. Except as provided in Section  
23 11-13.1 and Section 11-13.2 with respect to the standby or  
24 short-term guardian of the person of a minor, the court shall

1 have control over the person and estate of the ward. Under the  
2 direction of the court:

3 (a) The guardian of the person shall have the custody,  
4 nurture and tuition and shall provide education of the ward and  
5 of his children, but the ward's spouse may not be deprived of  
6 the custody and education of the spouse's children, without  
7 consent of the spouse, unless the court finds that the spouse  
8 is not a fit and competent person to have such custody and  
9 education. If the ward's estate is insufficient to provide for  
10 the ward's education and the guardian of his person fails to  
11 provide education, the court may award the custody of the ward  
12 to some other person for the purpose of providing education. If  
13 a person makes a settlement upon or provision for the support  
14 or education of a ward and if either parent of the ward is  
15 dead, the court may make such order for the visitation of the  
16 ward by the person making the settlement or provision as the  
17 court deems proper. The guardian of the minor shall inform the  
18 court of the minor's current address by certified mail within  
19 30 days of any change of residence.

20 (b) The guardian or other representative of the ward's  
21 estate shall have the care, management and investment of the  
22 estate, shall manage the estate frugally and shall apply the  
23 income and principal of the estate so far as necessary for the  
24 comfort and suitable support and education of the ward, his  
25 children, and persons related by blood or marriage who are  
26 dependent upon or entitled to support from him, or for any



1 other purpose which the court deems to be for the best  
2 interests of the ward, and the court may approve the making on  
3 behalf of the ward of such agreements as the court determines  
4 to be for the ward's best interests. The representative may  
5 make disbursement of his ward's funds and estate directly to  
6 the ward or other distributee or in such other manner and in  
7 such amounts as the court directs. If the estate of a ward is  
8 derived in whole or in part from payments of compensation,  
9 adjusted compensation, pension, insurance or other similar  
10 benefits made directly to the estate by the Veterans  
11 Administration, notice of the application for leave to invest  
12 or expend the ward's funds or estate, together with a copy of  
13 the petition and proposed order, shall be given to the  
14 Veterans' Administration Regional Office in this State at least  
15 7 days before the hearing on the application. The court, upon  
16 petition of a guardian of the estate of a minor, may permit the  
17 guardian to make a will or create a revocable or irrevocable  
18 trust for the minor that the court considers appropriate in  
19 light of changes in applicable tax laws that allow for  
20 minimization of State or federal income, estate, or inheritance  
21 taxes; however, the will or trust must make distributions only  
22 to the persons who would be entitled to distributions if the  
23 minor were to die intestate and the will or trust must make  
24 distributions to those persons in the same amounts to which  
25 they would be entitled if the minor were to die intestate.

26 (c) Upon the direction of the court which issued his

1 letters a representative may perform the contracts of his ward  
2 which were legally subsisting at the time of the commencement  
3 of the guardianship. The court may authorize the guardian to  
4 execute and deliver any bill of sale, deed or other instrument.

5 (d) The representative of the estate of a ward shall appear  
6 for and represent the ward in all legal proceedings unless  
7 another person is appointed for that purpose as representative  
8 or next friend. This does not impair the power of any court to  
9 appoint a representative or next friend to defend the interests  
10 of the ward in that court, or to appoint or allow any person as  
11 the next friend of a ward to commence, prosecute or defend any  
12 proceeding in his behalf. Any proceeding on behalf of a minor  
13 may be commenced and prosecuted by his next friend, without any  
14 previous authority or appointment by the court if the next  
15 friend enters bond for costs and files it in the court where  
16 the proceeding is pending. Without impairing the power of the  
17 court in any respect, if the representative of the estate of a  
18 minor and another person as next friend shall appear for and  
19 represent the minor in a legal proceeding in which the  
20 compensation of the attorney or attorneys representing the  
21 guardian and next friend is solely determined under a  
22 contingent fee arrangement, the guardian of the estate of the  
23 minor shall not participate in or have any duty to review the  
24 prosecution of the action, to participate in or review the  
25 appropriateness of any settlement of the action, or to  
26 participate in or review any determination of the

1     appropriateness of any fees awarded to the attorney or  
2     attorneys employed in the prosecution of the action.

3           (e) Upon petition by any interested person (including the  
4     standby or short-term guardian), with such notice to interested  
5     persons as the court directs and a finding by the court that it  
6     is in the best interest of the minor, the court may terminate  
7     or limit the authority of a standby or short-term guardian or  
8     may enter such other orders as the court deems necessary to  
9     provide for the best interest of the minor. The petition for  
10    termination or limitation of the authority of a standby or  
11    short-term guardian may, but need not, be combined with a  
12    petition to have a guardian appointed for the minor.

13           (f) The guardian of a minor shall not remove the minor from  
14    the State without leave of the court, except for out-of-state  
15    travel of 30 days or less. A guardian may petition the court  
16    for removal of the minor. Upon petition by a guardian for  
17    removal of the minor with proper notice given, the court shall  
18    hold a hearing to determine whether the removal is in the best  
19    interest of the minor, and shall consider the wishes of the  
20    minor's parent or parents and the effect of removal on  
21    visitation, and the wishes of the minor, if the minor is 14  
22    years of age or older. The burden of proving that the removal  
23    is in the best interest of the minor is on the guardian.

24    (Source: P.A. 90-345, eff. 8-8-97; 91-149, eff. 1-1-00.)