



Rep. Barbara Flynn Currie

Filed: 4/1/2014

09800HB5686ham001

LRB098 20113 ZMM 57706 a

1 AMENDMENT TO HOUSE BILL 5686

2 AMENDMENT NO. _____. Amend House Bill 5686 by replacing
3 lines 25 and 26 of page 2 and line 1 of page 3 with the
4 following:

5 "minor appointed by a court of competent jurisdiction. There";
6 and

7 on page 3, by replacing lines 5 through 13 with the following:

8 "rebutted by a preponderance of the evidence. If a short-term
9 guardian has been appointed for the minor prior to the filing
10 of the petition and the petitioner for guardianship is not the
11 short-term guardian, there shall be a rebuttable presumption
12 that it is in the best interest of the minor to remain in the
13 care of the short-term guardian. The petitioner shall have the
14 burden of proving by a preponderance of the evidence that it is
15 not in the child's best interest to remain with the short-term
16 guardian."; and

1 on page 12, by replacing lines 6 through 14 with the following:

2 "decisions concerning the minor.

3 If a short-term guardian who has been appointed by the
4 minor's parent or guardian prior to the filing of the petition
5 subsequently petitions for court-ordered guardianship of the
6 minor, the petition shall state the facts concerning the
7 appointment of the short-term guardian, including: (i) the date
8 of the appointment; (ii) the circumstances surrounding the
9 appointment; (iii) the date the short-term guardian
10 appointment ends; and (iv) the reasons why a court-ordered
11 guardian is also needed for the minor. A copy of the short-term
12 guardianship appointment shall be attached to the petition.";

13 and

14 on page 13, by replacing lines 19 through 26 with the
15 following:

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

1 and

2 on page 18, by replacing lines 13 through 23 with the
3 following:

4 "(f) The court may grant leave to the guardian of a minor
5 child or children to remove such child or children from
6 Illinois whenever such approval is in the best interests of
7 such child or children. The guardian may not remove a minor
8 from Illinois except as permitted under this Section and must
9 seek leave of the court prior to removing a child for more than
10 30 days. The burden of proving that such removal is in the best
11 interests of such child or children is on the guardian. When
12 such removal is permitted, the court may require the guardian
13 removing such child or children from Illinois to give
14 reasonable security guaranteeing the return of such children.

15 The court shall consider the wishes of the minor's parent
16 or parents and the effect of removal on visitation and the
17 wishes of the minor if he or she is 14 years of age or older.
18 The court may not consider the availability of electronic
19 communication as a factor in support of the removal of a child
20 by the guardian from Illinois.

21 Before a minor child is temporarily removed from Illinois
22 for more than 48 hours but less than 30 days, the guardian
23 shall inform the parent or parents of the address and telephone
24 number where the child may be reached during the period of
25 temporary removal and the date on which the child shall return

1 to Illinois. The State of Illinois retains jurisdiction when
2 the minor child is absent from the State pursuant to this
3 subsection. The guardianship order may incorporate language
4 governing out-of-state travel with the minor."