

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 11-5.4 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
17 parent in the presence of at least 2 credible witnesses at
18 least 18 years of age, neither of whom is the person appointed
19 as the short-term guardian. The person appointed as the
20 short-term guardian shall also sign the written instrument, but
21 need not sign at the same time as the appointing parent.

22 (b) A parent or guardian shall not appoint a short-term
23 guardian of a minor if the minor has another living parent,

1 adoptive parent or adjudicated parent, whose parental rights
2 have not been terminated, whose whereabouts are known, and who
3 is willing and able to make and carry out day-to-day child care
4 decisions concerning the minor, unless the nonappointing
5 parent consents to the appointment by signing the written
6 instrument of appointment.

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

19 (d) Every appointment of a short-term guardian may be
20 amended or revoked by the appointing parent or by the
21 appointing guardian of the person of the minor at any time and
22 in any manner communicated to the short-term guardian or to any
23 other person. Any person other than the short-term guardian to
24 whom a revocation or amendment is communicated or delivered
25 shall make all reasonable efforts to inform the short-term
26 guardian of that fact as promptly as possible.

1 (e) The appointment of a short-term guardian or successor
2 short-term guardian does not affect the rights of the other
3 parent in the minor.

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

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

13 APPOINTMENT OF SHORT-TERM GUARDIAN

14 [IT IS IMPORTANT TO READ THE FOLLOWING INSTRUCTIONS:

15 By properly completing this form, a parent or the guardian
16 of the person of the child is appointing a guardian of a child
17 of the parent (or a minor ward of the guardian, as the case may
18 be) for a period of up to 365 days. A separate form should be
19 completed for each child. The person appointed as the guardian
20 must sign the form, but need not do so at the same time as the
21 parent or parents or guardian.

22 This form may not be used to appoint a guardian if there is
23 a guardian already appointed for the child, except that if a
24 guardian of the person of the child has been appointed, that

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

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

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

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

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

24 () On the date that a physician familiar with my
25 condition certifies in writing that I am no longer
26 willing or able to make and carry out day-to-day child

1 care decisions concerning the child.

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

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

5 () Other: (insert other).

6 [NOTE: If this item is not completed, the appointment is
7 effective immediately upon the date the form is signed and
8 dated below.]

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

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

16 () On the date that a physician familiar with my
17 condition certifies in writing that I am willing and
18 able to make and carry out day-to-day child care
19 decisions concerning the child.

20 () On the date that I am discharged from the
21 hospital or other health care institution where I was
22 admitted as an in-patient, which established the
23 effective date.

24 () On the date which is (state a number of days,
25 but no more than 365 days) days after the effective
26 date.

1 () Other: (insert other).

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

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

6 This appointment is made this (insert day) day of (insert
7 month and year).

8 Signed: (appointing parent)

9 6. Witnesses. I saw the parent (or the guardian of the
10 person of the child) sign this instrument or I saw the
11 parent (or the guardian of the person of the child) direct
12 someone to sign this instrument for the parent (or the
13 guardian). Then I signed this instrument as a witness in
14 the presence of the parent (or the guardian). I am not
15 appointed in this instrument to act as the short-term
16 guardian for the child. (Insert space for names, addresses,
17 and signatures of 2 witnesses)

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

21 Signed: (short-term guardian)

22 8. Consent of child's other parent. I, (insert name of
23 the child's other living parent), currently residing at
24 (insert address of child's other living parent), hereby
25 consent to this appointment on this (insert day) day of
26 (insert month and year).

1 Signed: (consenting parent)

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

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