

1 AN ACT concerning children.

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) or (e-10) of this Section, 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 a different ~~an earlier~~ specified date or event as
17 permitted by this Section. Only one written instrument
18 appointing a short-term guardian may be in force at any given
19 time.

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

1 guardian of that fact as promptly as possible.

2 (e) The appointment of a short-term guardian or successor
3 short-term guardian does not affect the rights of the other
4 parent in the minor. The short-term guardian appointment does
5 not constitute consent for court appointment of a guardian.

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

15 (e-10) A parent or guardian who is a member of the Armed
16 Forces of the United States, including any reserve component
17 thereof, or the commissioned corps of the National Oceanic and
18 Atmospheric Administration or the Public Health Service of the
19 United States Department of Health and Human Services detailed
20 by proper authority for duty with the Armed Forces of the
21 United States, or who is required to enter or serve in the
22 active military service of the United States under a call or
23 order of the President of the United States or to serve on
24 State active duty, may appoint a short-term guardian for a
25 period of longer than 365 days if on active duty service. The
26 writing appointing the short-term guardian under this

1 subsection shall include the dates of the parent's or
2 guardian's active duty service, and the appointment may not
3 exceed the term of active duty plus 30 days.

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

6 APPOINTMENT OF SHORT-TERM GUARDIAN

7 [IT IS IMPORTANT TO READ THE FOLLOWING INSTRUCTIONS:

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

15 If you are a parent or guardian who is a member of the
16 Armed Forces of the United States, including any reserve
17 component thereof, or the commissioned corps of the National
18 Oceanic and Atmospheric Administration or the Public Health
19 Service of the United States Department of Health and Human
20 Services detailed by proper authority for duty with the Armed
21 Forces of the United States, or who is required to enter or
22 serve in the active military service of the United States under
23 a call or order of the President of the United States or to
24 serve on State active duty, you may appoint a short-term

1 guardian for your child for the period of your active duty
2 service plus 30 days. When executing this form, include the
3 date your active duty service is scheduled to begin in part 3
4 and the date your active duty service is scheduled to end in
5 part 4.

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

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

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

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

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

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

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

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

13 () On the date my active duty service begins:
14 (insert date).

15 () Other: (insert other).

16 [NOTE: If this item is not completed, the appointment is
17 effective immediately upon the date the form is signed and
18 dated below.]

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

23 () On the date that I state in writing that I am
24 willing and able to make and carry out day-to-day child
25 care decisions concerning the child, but not more than
26 365 days after the effective date.

1 () On the date that a physician familiar with my
2 condition certifies in writing that I am willing and
3 able to make and carry out day-to-day child care
4 decisions concerning the child, but not more than 365
5 days after the effective date.

6 () On the date that I am discharged from the
7 hospital or other health care institution where I was
8 admitted as an in-patient, which established the
9 effective date, but not more than 365 days after the
10 effective date.

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

14 () On the date no more than 30 days after my
15 active duty service is scheduled to end: (insert date
16 active duty service is scheduled to end).

17 () Other: (insert other).

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

21 5. Date and signature of appointing parent or guardian.
22 This appointment is made this (insert day) day of (insert
23 month and year).

24 Signed: (appointing parent)

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

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

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

11 Signed: (short-term guardian)

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

17 Signed: (consenting parent)

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

26 (Source: P.A. 98-568, eff. 1-1-14; 98-1082, eff. 1-1-15.)