



Rep. Patricia R. Bellock

Filed: 3/29/2016

09900HB4327ham001

LRB099 15125 HEP 46297 a

1 AMENDMENT TO HOUSE BILL 4327

2 AMENDMENT NO. _____. Amend House Bill 4327 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) or (e-10) of this Section, 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 a different ~~an earlier~~ specified date or event as
24 permitted by this Section. Only one written instrument
25 appointing a short-term guardian may be in force at any given
26 time.

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

9 (e) The appointment of a short-term guardian or successor
10 short-term guardian does not affect the rights of the other
11 parent in the minor. The short-term guardian appointment does
12 not constitute consent for court appointment of a guardian.

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

22 (e-10) A parent or guardian who is a member of the Armed
23 Forces of the United States, including any reserve component
24 thereof, or the commissioned corps of the National Oceanic and
25 Atmospheric Administration or the Public Health Service of the
26 United States Department of Health and Human Services detailed

1 by proper authority for duty with the Armed Forces of the
2 United States, or who is required to enter or serve in the
3 active military service of the United States under a call or
4 order of the President of the United States or to serve on
5 State active duty, may appoint a short-term guardian for a
6 period of longer than 365 days if on active duty service. The
7 writing appointing the short-term guardian under this
8 subsection shall include the dates of the parent's or
9 guardian's active duty service, and the appointment may not
10 exceed the term of active duty plus 30 days.

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 If you are a parent or guardian who is a member of the
23 Armed Forces of the United States, including any reserve
24 component thereof, or the commissioned corps of the National

1 Oceanic and Atmospheric Administration or the Public Health
2 Service of the United States Department of Health and Human
3 Services detailed by proper authority for duty with the Armed
4 Forces of the United States, or who is required to enter or
5 serve in the active military service of the United States under
6 a call or order of the President of the United States or to
7 serve on State active duty, you may appoint a short-term
8 guardian for your child for the period of your active duty
9 service plus 30 days. When executing this form, include the
10 date your active duty service is scheduled to begin in part 3
11 and the date your active duty service is scheduled to end in
12 part 4.

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

23 1. Parent (or guardian) and Child. I, (insert name of
24 appointing parent or guardian), currently residing at
25 (insert address of appointing parent or guardian), am a
26 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 () On the date my active duty service begins:
21 (insert date).

22 () Other: (insert other).

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

26 4. Termination. This appointment shall terminate 365

1 days after the effective date, unless it terminates ~~sooner~~
2 as determined by the event or date I have indicated below:
3 (check one if you wish it to be applicable)

4 () On the date that I state in writing that I am
5 willing and able to make and carry out day-to-day child
6 care decisions concerning the child, but not more than
7 365 days after the effective date.

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

13 () On the date that I am discharged from the
14 hospital or other health care institution where I was
15 admitted as an in-patient, which established the
16 effective date, but not more than 365 days after the
17 effective date.

18 () On the date which is (state a number of days,
19 but no more than 365 days) days after the effective
20 date.

21 () On the date no more than 30 days after my
22 active duty service is scheduled to end: (insert date
23 active duty service is scheduled to end).

24 () Other: (insert other).

25 [NOTE: If this item is not completed, the appointment will be
26 effective for a period of 365 days, beginning on the effective

1 date.]

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

3 This appointment is made this (insert day) day of (insert
4 month and year).

5 Signed: (appointing parent)

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

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

18 Signed: (short-term guardian)

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

24 Signed: (consenting parent)

25 [NOTE: The signature of a consenting parent is not necessary if
26 one of the following applies: (i) the child's other parent has

1 died; or (ii) the whereabouts of the child's other parent are
2 not known; or (iii) the child's other parent is not willing or
3 able to make and carry out day-to-day child care decisions
4 concerning the child; or (iv) the child's parents were never
5 married and no court has issued an order establishing
6 parentage.]

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