

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 11-10.1 and 11-13 as follows:

6 (755 ILCS 5/11-10.1) (from Ch. 110 1/2, par. 11-10.1)

7 Sec. 11-10.1. Procedure for appointment of a standby
8 guardian or a guardian of a minor.

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

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

20 (Source: P.A. 98-1082, eff. 1-1-15.)

21 (755 ILCS 5/11-13) (from Ch. 110 1/2, par. 11-13)

22 Sec. 11-13. Duties of guardian of a minor. Before a

1 guardian of a minor may act, the guardian shall be appointed by
2 the court of the proper county and, in the case of a guardian
3 of the minor's estate, the guardian shall give the bond
4 prescribed in Section 12-2. Except as provided in Section
5 11-13.1 and Section 11-13.2 with respect to the standby or
6 short-term guardian of the person of a minor, the court shall
7 have control over the person and estate of the ward. Under the
8 direction of the court:

9 (a) The guardian of the person shall have the custody,
10 nurture and tuition and shall provide education of the ward and
11 of his children, but the ward's spouse may not be deprived of
12 the custody and education of the spouse's children, without
13 consent of the spouse, unless the court finds that the spouse
14 is not a fit and competent person to have such custody and
15 education. If the ward's estate is insufficient to provide for
16 the ward's education and the guardian of his person fails to
17 provide education, the court may award the custody of the ward
18 to some other person for the purpose of providing education. If
19 a person makes a settlement upon or provision for the support
20 or education of a ward and if either parent of the ward is
21 dead, the court may make such order for the visitation of the
22 ward by the person making the settlement or provision as the
23 court deems proper. The guardian of the minor shall inform the
24 court of the minor's current address by certified mail, hand
25 delivery, or other method in accordance with court rules within
26 30 days of any change of residence.

1 (b) The guardian or other representative of the ward's
2 estate shall have the care, management and investment of the
3 estate, shall manage the estate frugally and shall apply the
4 income and principal of the estate so far as necessary for the
5 comfort and suitable support and education of the ward, his
6 children, and persons related by blood or marriage who are
7 dependent upon or entitled to support from him, or for any
8 other purpose which the court deems to be for the best
9 interests of the ward, and the court may approve the making on
10 behalf of the ward of such agreements as the court determines
11 to be for the ward's best interests. The representative may
12 make disbursement of his ward's funds and estate directly to
13 the ward or other distributee or in such other manner and in
14 such amounts as the court directs. If the estate of a ward is
15 derived in whole or in part from payments of compensation,
16 adjusted compensation, pension, insurance or other similar
17 benefits made directly to the estate by the Veterans
18 Administration, notice of the application for leave to invest
19 or expend the ward's funds or estate, together with a copy of
20 the petition and proposed order, shall be given to the
21 Veterans' Administration Regional Office in this State at least
22 7 days before the hearing on the application. The court, upon
23 petition of a guardian of the estate of a minor, may permit the
24 guardian to make a will or create a revocable or irrevocable
25 trust for the minor that the court considers appropriate in
26 light of changes in applicable tax laws that allow for

1 minimization of State or federal income, estate, or inheritance
2 taxes; however, the will or trust must make distributions only
3 to the persons who would be entitled to distributions if the
4 minor were to die intestate and the will or trust must make
5 distributions to those persons in the same amounts to which
6 they would be entitled if the minor were to die intestate.

7 (c) Upon the direction of the court which issued his
8 letters a representative may perform the contracts of his ward
9 which were legally subsisting at the time of the commencement
10 of the guardianship. The court may authorize the guardian to
11 execute and deliver any bill of sale, deed or other instrument.

12 (d) The representative of the estate of a ward shall appear
13 for and represent the ward in all legal proceedings unless
14 another person is appointed for that purpose as representative
15 or next friend. This does not impair the power of any court to
16 appoint a representative or next friend to defend the interests
17 of the ward in that court, or to appoint or allow any person as
18 the next friend of a ward to commence, prosecute or defend any
19 proceeding in his behalf. Any proceeding on behalf of a minor
20 may be commenced and prosecuted by his next friend, without any
21 previous authority or appointment by the court if the next
22 friend enters bond for costs and files it in the court where
23 the proceeding is pending. Without impairing the power of the
24 court in any respect, if the representative of the estate of a
25 minor and another person as next friend shall appear for and
26 represent the minor in a legal proceeding in which the

1 compensation of the attorney or attorneys representing the
2 guardian and next friend is solely determined under a
3 contingent fee arrangement, the guardian of the estate of the
4 minor shall not participate in or have any duty to review the
5 prosecution of the action, to participate in or review the
6 appropriateness of any settlement of the action, or to
7 participate in or review any determination of the
8 appropriateness of any fees awarded to the attorney or
9 attorneys employed in the prosecution of the action.

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

20 (f) The court may grant leave to the guardian of a minor
21 child or children to remove such child or children from
22 Illinois whenever such approval is in the best interests of
23 such child or children. The guardian may not remove a minor
24 from Illinois except as permitted under this Section and must
25 seek leave of the court prior to removing a child for 30 days
26 or more. The burden of proving that such removal is in the best

1 interests of such child or children is on the guardian. When
2 such removal is permitted, the court may require the guardian
3 removing such child or children from Illinois to give
4 reasonable security guaranteeing the return of such children.

5 The court shall consider the wishes of the minor's parent
6 or parents and the effect of removal on visitation and the
7 wishes of the minor if he or she is 14 years of age or older.
8 The court may not consider the availability of electronic
9 communication as a factor in support of the removal of a child
10 by the guardian from Illinois. The guardianship order may
11 incorporate language governing removal of the minor from the
12 State. Any order for removal, including one incorporated into
13 the guardianship order, must include the date of the removal,
14 the reason for removal, and the proposed residential and
15 mailing address of the minor after removal. A copy of the order
16 must be provided to any parent whose location is known, within
17 3 days of entry, either by personal delivery or by certified
18 mail, return receipt requested.

19 Before a minor child is temporarily removed from Illinois
20 for more than 48 hours but less than 30 days, the guardian
21 shall inform the parent or parents of the address and telephone
22 number where the child may be reached during the period of
23 temporary removal and the date on which the child shall return
24 to Illinois. The State of Illinois retains jurisdiction when
25 the minor child is absent from the State pursuant to this
26 subsection. The guardianship order may incorporate language

1 governing out-of-state travel with the minor.

2 (Source: P.A. 98-1082, eff. 1-1-15.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.