



This is for information and instruction. Do not file it.



HOW TO FILE FOR GUARDIANSHIP OF A MINOR

STEPS FOR GUARDIANSHIP OF A MINOR page 2

ARE THESE FORMS FOR ME? page 3

IMPORTANT INFORMATION page 5

EXTRA HELP FILLING OUT THE FORMS page 6

COSTS AND FEES page 6

HOW TO FILE THE FORMS page 7

WHAT'S NEXT page 8



This overview is not legal advice. It provides general instructions on how to use these forms in your court case. It cannot and does not try to cover everything that might happen in your court case. Your use of the forms does not guarantee you will be successful in court.

How a judge handles a case can vary from county to county. **Your county may have special requirements that are not covered in these instructions.** Ask the Circuit Clerk if your county has local rules and, if so, where you can get a copy.

HOW TO FILE FOR GUARDIANSHIP OF A MINOR

1

FILL OUT AND FILE FORMS.

To ask for court-ordered guardianship of a minor child, begin by filling out the required court forms. If you are filing for more than one minor child, you will file a **separate set of forms for each child**. You will provide information about the child, your relationship with them, and the reasons for guardianship. File these forms in the county where the child lives (see page 7 for more information about filing). There are no fees to file a minor guardianship case, but there may be other costs.

Use this form:

- Petition for Guardianship of a Minor*

2

GIVE NOTICE TO PARENTS AND RELATIVES.

Once you've filed the *Petition*, you **must give notice to or obtain written consent** from all interested parties, including the child's parents and close relatives. This ensures that everyone involved is aware of the guardianship case and has a chance to respond or appear in court.

Use only one of these forms for **each** person you have to notify:

- Notice of Hearing on Petition for Guardianship of a Minor*
- Statement in Support of Notice by Publication*
- Consent to Guardianship of Minor and Appearance*

3

GO TO COURT AND PRESENT YOUR CASE TO THE JUDGE.

Attend a scheduled court hearing where a judge will review your case. Be prepared to present evidence supporting your guardianship request, such as reasons why it is in the child's best interests. The judge may appoint a Guardian ad Litem (GAL) to investigate and report their findings to the court. The GAL may contact you as part of their investigation. Depending on the facts of your case, you may have to attend court more than once until the judge makes a decision.

Use these forms:

- Order Appointing Guardian ad Litem (GAL)*
- Order Appointing Plenary Guardian of a Minor*
- Oath of Guardian or Oath & Bond of Guardian*

Statutes covering these forms: [755 ILCS 5/11-1 through 5/11-18](#)



STEP 1

FILL OUT AND FILE FORMS. START YOUR CASE.

ARE THESE FORMS FOR ME?

You may use these forms to ask the judge to appoint you as the guardian of a minor when the child you want guardianship of is under the age of 18.

- Guardianship does not terminate parental rights. In some cases, the parents stay involved in the minor's life and they may ask the judge to end the guardianship in the future.
- You can ask for guardianship of the person only, guardianship of the estate only, or both guardianship of the person and estate.
- For more information on the different types of guardianship visit: lao.info/child-guard.

What is minor guardianship of the person?

- Normally, only the parents of a minor have the authority to make day-to-day decisions for that minor.
- When the parents are unable or unwilling to care for the minor, a judge can appoint a guardian to care for and make decisions for the minor. This is called guardianship of the person.
- Ask for guardianship of the **person** if you want authority to care for and make school, medical, and other day-to-day decisions for the minor.

What is minor guardianship of the estate?

- Normally, only the parents of a minor have the authority to make decisions about the child's money and property. Sometimes a parent may need guardianship of the estate for their own child.
- A judge can appoint a guardian to make decisions about the child's money and property. The guardian can only spend or use the money and property for the benefit of the child. This is called guardianship of the estate.
- Ask for guardianship of the **estate** if the minor has an estate (income, money, or property), and you want authority to manage and make decisions about the estate. A guardian of the estate is usually NOT needed if the minor's only money and property is Social Security or other public benefits, since the public benefits agency will decide who controls the benefits.

Do not use these forms if:

- You are asking to appoint a **standby or short-term** guardian of a minor.
- You are asking for guardianship of a disabled adult who is 18 or older.
- You have a pending DCFS case or juvenile court case, unless DCFS has instructed you to file a Petition for Guardianship.

NOTE: If the child is undocumented and under 21, speak to an immigration lawyer before using these forms to see if the minor is eligible for Special Immigrant Juvenile Status. For more information on Special Immigrant Juvenile Status visit: bit.ly/USCIS-SIJ.

Forms required in every minor guardianship case:

- *Petition for Guardianship of a Minor*: Use this form to ask the judge to appoint you as guardian. Throughout these instructions, this form will be referred to as the *Petition*.
- *Order Appointing Plenary Guardian of a Minor*: This is the document the judge will sign if the judge approves your petition and appoints a guardian.
- *Oath of Guardian*: If you are appointed guardian of the minor's person, use this form to promise you will fulfill the duties of a guardian.
or
- *Oath & Bond of Guardian*: If you are appointed guardian of the minor's estate (property), the judge may ask you to fill out this form. A bond is a financial guarantee that you will manage the minor's property in the minor's best interests.

Forms required in some minor guardianship cases, depending on circumstances:

- *Notice of Hearing on Petition for Guardianship of a Minor*: Use this form to notify the minor's parents and other interested parties about the guardianship case and the court date.
- *Consent to Guardianship of Minor and Appearance*: If the minor's parents or another interested party agrees to the guardianship, they may fill out this form.
- *Nomination of Guardian by Minor*: If the minor is 14 or older and wants you to be their guardian, they may fill out this form.
- *Order Appointing Guardian ad Litem of Minor*: This is the document the judge may use to appoint someone to investigate the best interests of the minor.
- *Statement in Support of Notice by Publication*: Use this form only if you need to publish notice of the court case in a newspaper because you are unable to notify an interested party about this case in person or by mail.

Note: In some counties, you may also be required to file a motion asking for permission to publish notice. If a motion is required in your county, use the *Motion* form found at ilcourts.info/forms. Attach your completed *Statement in Support of Notice by Publication* form to the *Motion*.

- *Order to Obtain Birth or Death Certificate*: Use this form only if your local court requires either of these certificates and you need a court order to obtain them from Vital Records.

You can find all of the statewide forms online at: ilcourts.info/forms.

- Criminal background checks and DCFS background checks: These are local forms required in some counties, including Cook County which requires both. You may be required to get fingerprinted as part of a background check if required in your county. You can get more information from the Circuit Clerk or judge's clerk.

Information you will need to fill out the forms:

- Name, birth date, and address of the minor.
- Names and addresses of the minor's nearest relatives and the person who has custody of the minor.
- Approximate value of minor's estate (property) and annual income from all sources.
- Your name, address, age, occupation, telephone, email address, and criminal history (and of the co-guardian, if any).
- Details about other court cases involving the minor and their parents.
- Information about the parents, such as most recent contact with minor, reasons why they are unable to care for the minor, or date of death.
- Details about any current or previous standby or short-term guardians of the minor.

IMPORTANT INFORMATION

Who can be a guardian?

- To be appointed as a guardian of a minor in Illinois, you must:
 - Be at least 18 years old;
 - Live in the United States;
 - Be of sound mind;
 - Not be under a court-ordered guardianship yourself; and
 - Not have a felony conviction that involves harm or threat to a minor.
 - If you have a felony conviction that does not involve harm or threat to a minor, you may still be appointed if the judge finds it to be in the minor's best interest.
 - Not have neglected or abused the minor.
- You do not have to be related to the minor.
- Sometimes the judge can appoint more than one guardian. They are called co-guardians.

What are the duties of a guardian of a minor?

- A guardian of the person is responsible for the minor's:
 - Safety
 - Physical and emotional well-being
 - Housing
 - Education
 - Nutrition
 - Medical care
- A guardian of the estate is responsible for the care, management, and investment of the minor's money and property.
- The guardian must notify the court and the parents of any change in the minor's address within 30 days.
- The guardian must notify the parents where the minor may be reached if the minor will be outside Illinois for more than 48 hours.
- The guardian may NOT return the minor to their parents, remove the minor from Illinois temporarily for more than 30 days, or move the minor out of Illinois permanently without permission of the court.
- A guardian who does not properly care for a minor can be removed as their guardian.

When can a judge appoint a guardian?

- A court can appoint a guardian if the parents:
 - Are unwilling or unable to take care of the minor,
 - Agree to the guardianship,
 - Voluntarily gave up physical custody of the minor, or
 - Died or cannot be located.

How can a court-ordered minor guardianship end?

- A minor guardianship automatically ends when the minor turns 18.
- A minor's parent may ask the judge to end the guardianship before the minor turns 18. The parent will be required to show how things have changed since the guardianship was entered. The guardians will have an opportunity to respond and to show if ending the guardianship would not be in the minor's best interests.
- A guardian can ask the court to end the guardianship before the minor turns 18.

What should I consider before filing a guardianship of a minor?

- The time, effort, cost, and energy required to care for a minor on a long-term basis. Most legal guardians in Illinois receive little financial help in caring for the minor.
- Whether you meet the legal requirements above to become a legal guardian.
- If the parents are alive and want to keep a relationship with the minor, you may be responsible for cooperating with them on a visitation schedule.
- You will be responsible for trying to send the minor's parents notice of the case. Before filing, try to find them by calling, writing, and asking friends and family members, and looking on social media.

Where do I file my guardianship *Petition*?

- File your *Petition* with the court in the county where the minor lives.
- When e-filing, Minor Guardianship is a case type in the Guardianship case category. In some counties, including Cook County, it is in the Probate division and Minor case category.



For more information about going to court, including how to fill out and file forms, call or text **Illinois Court Help** at 833-411-1121 or go to ilcourthelp.gov.

If there are any words or terms used in these instructions that you do not understand, please visit **Illinois Legal Aid Online** at ila.info/glossary. You may also find more information, resources, and the location of your local legal self-help center at ila.info/lshc-directory.



COSTS AND FEES

There may be costs and fees to take part in a court case. This might include fees for filing court documents. Some case types have no fee for filing. Depending on the type of court case, there may be other costs and fees charged – for example, sheriff's fees for serving documents on the other people in the case. If you cannot afford to pay costs and fees, you can ask the court to file for free or at a reduced cost by filing an *Application for Waiver of Court Fees*.

This is a separate form you can find at: ilcourts.info/fee-waiver-forms.

HOW TO FILE THE FORMS



- After you fill out your court forms, file them with the Circuit Clerk. This is done by electronic filing, called “e-filing.” You do not have to e-file if:
 - You qualify for an exemption (see the Not E-filing section below) or
 - Your case involves a criminal matter or is filed under the Juvenile Court Act of 1987.
- There may be fees to file your forms. See the Costs & Fees section for more information.
- Most people e-file their forms using Odyssey eFileIL at ilcourts.info/efile.
- Follow step-by-step instructions and watch videos that walk you through the steps for e-filing at ilcourts.info/efile-info.
- E-filing is easier on a computer. It may not work on a cell phone or tablet.
- Original wills may not be e-filed.
- If you do not have access to a computer or if you need help e-filing, take your completed forms to a public library or a Circuit Clerk, Appellate Clerk, or Supreme Court Clerk’s office. These places offer public computers where you can e-file your forms.
 - Your courthouse may offer public computers with a scanner where you can turn your paper forms into electronic files.
 - Librarians and courthouse staff may be able to help you e-file, but they cannot provide legal advice.



- Some people are not required to e-file, which means they can file paper forms at the courthouse or by mail. People who do not have to e-file are:
 - Inmates in prison or jail who do not have a lawyer.
 - People with a disability that keeps them from e-filing.
- You may also qualify for an exemption from e-filing if you:
 - Do not have internet or computer access in your home or can't meaningfully use it.
 - Do not have an email account.
 - Do not have a credit card, debit card, or bank account.
 - Have trouble reading, writing, or speaking English.
 - Tried to e-file your forms, but you were not able to because the equipment or help you needed was not available.
 - Are filing an emergency case as allowed by local rule or order.
- To ask for an exemption from e-filing, use the form at ilcourts.info/exempt. If you cannot print this form, then ask for it at your local courthouse.
 - File your *Certification for Exemption from E-Filing* form along with your other court forms at the Circuit Clerk's office or by mail.
 - Bring or send your signed court forms and at least two copies of your forms to the Circuit Clerk's office. Ask them to stamp your copies and return them to you.
 - If you need to make copies of your forms, you can do that at the Circuit Clerk's office. They may charge you a fee to make copies.
- There may be fees to file your forms. See the Costs & Fees section for more information.
- If you mail your court forms to the Circuit Clerk's office, include a stamped envelope addressed to you. The Circuit Clerk will file your forms and then send your copies back to you in the envelope.



WHAT'S NEXT



GET A COURT DATE.

After filing your forms, get a court date.

- Ask the Circuit Clerk's office if you have to schedule a court date or if one will be scheduled automatically. To find the phone number for your Circuit Clerk, visit ilcourts.info/clerks.
 - If you are responsible for scheduling the court date yourself, ask the Circuit Clerk's office how to do so.
- Include the date, time, and location of your court date on the *Notice of Hearing on Petition for Guardianship of a Minor*.
- Make sure to include the call-in or login information, if appearing by phone or by video is an option for your court date.



STEP 2

GIVE NOTICE TO PARENTS AND RELATIVES.

Give or send a copy of your *Petition* and *Notice of Hearing on Petition for Guardianship of a Minor* to every person entitled to notice.

- You are required to inform the following people about the guardianship case:
 - everyone listed in Section 3 of the *Petition*,
 - the short-term guardian (if any), and
 - the minor if the minor is 14 or older.
- If either of the minor's parents are deceased, you may be required to provide the court with a copy of their death certificate.

Giving Notice

- Depending on your local court's requirements, you have to give a copy of the forms with the time and place of the court date either in person or by mail 7 days or more before your court date. Some counties require you to give notice by certified mail. Call the Circuit Clerk's office to confirm your county's local requirements.
- File the *Notice of Hearing on Petition for Guardianship of a Minor* following the filing instructions above.
- If you do not have a last known address, some counties may require you to give notice by publication. You can use the *Statement in Support of Notice by Publication* form.
- In some counties, the Circuit Clerk will send the case information to the newspaper. Ask the Circuit Clerk about the process in your county. If you need to provide the information to the newspaper, use the *Minor Guardianship Publication Information for Newspaper* form.
- The newspaper must print the notice at least once a week for three weeks in a row. The date it is first published must be at least 30 days before the court date. In order to prevent a problem, get a court date at least 45 days later. That will give the newspaper 15 days to get the first notice published.
- If you receive a Certificate of Publication from the newspaper, file the Certificate with the Clerk.
- You may also need to notify the person at their last known place of residence by sending the *Notice of Hearing on Petition for Guardianship of a Minor*.

Getting Consent

- If any of the people entitled to notice of the *Petition* agree to the guardianship, they may sign the *Consent to Guardianship of Minor and Appearance*.
- The person does not need to attend the court date.
- File the completed *Consent to Guardianship of Minor and Appearance* following the filing instructions above.

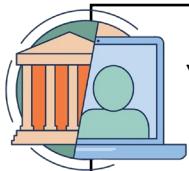


STEP 3

GO TO COURT AND PRESENT YOUR CASE TO THE JUDGE.

Get ready for your court date.

- Before the court date, make sure you have the following documents:
 - *Petition*,
 - *Oath of Guardian or Oath & Bond of Guardian*,
 - *Notices of Hearing on Petition for Guardianship of a Minor*, and
 - Any *Nomination and Consent to Guardianship of Minor and Appearance*.
 - If your local court requires, also have the minor's birth certificate and any death certificate(s).
- Background checks:
 - Some counties require background checks. Each court has different requirements. For example, Cook County requires you to submit to a DCFS background check and get fingerprinted as part of a criminal background check. You may want to start the background check process well before your first court date. Call the Circuit Clerk's office to determine the policies and procedures for the court in which you file.



Make sure you know how to attend your court date.

Your court date could be in person, by phone, or by video. If it is by phone or video, it is called a "Remote Appearance." Call the Circuit Clerk or visit their website for more information. To find the phone number for your Circuit Clerk, visit ilcourts.info/clerks.

Your court date could be in person, by phone or by video.

- If your court date is in person:
 - Get to the courthouse at least 30 minutes early so you have enough time to get through security.
 - Go to the courtroom number listed on your court form.
 - If your forms do not have a courtroom number, look for a list of cases at the courthouse or ask someone at the Circuit Clerk's office.
 - Check in with the courtroom staff and wait for your name and case number to be called.
- If your court date is by phone or video:
 - Make sure to have the call-in or login information for your court date and make sure your technology is working.
 - Follow the instructions on the court notice you received. Call the Circuit Clerk or Circuit Court, or visit their websites for specific technology instructions.
 - Start trying to log-in to your courtroom at least 15 minutes before the start time in case you have any problems with technology.
 - Follow these tips to attend court by phone or video: ilcourts.info/remote-resources.
- When your case is called, introduce yourself to the judge. If you are attending by phone or video remember to unmute yourself.

- Have these items with you on your court date:
 - Photo I.D.;
 - Copies of all the documents you filed with the Circuit Clerk; and
 - Other papers or proof related to your case.
 - If you are having a hearing or trial, bring your witnesses and evidence.
- Check with the Circuit Clerk's office for any other local requirements or where to find them.

Provide information to the judge.

Present your case.

- The judge will verify the information on the *Petition*. They may ask you and any other parties in attendance some questions.
 - The judge may ask you if:
 - you are at least 18 years of age,
 - you live in the United States,
 - a court has ever declared you to be of an unsound mind or be legally disabled,
 - you have ever been convicted of a felony, and
 - you are willing to care and provide for the minor.
 - The judge may ask other parties in attendance if they agree with you being the minor's guardian.
- If you have given everyone notice and there are no objections, or appropriate persons have consented, the judge might make a decision on your *Petition* that day.
- In some cases, the judge may need more information before making a decision, and you may have to return to court another time.
 - *If a background check is required in your county:* Have a copy of your fingerprinting receipt with you to show the judge.

If the parents have not consented or if someone comes to court to object, the judge may:

- Appoint a Guardian ad Litem (GAL) to investigate (by talking to people, reviewing documents, or visiting homes) and make a report to the court. In some counties they automatically appoint a GAL.
- Enter visitation orders, order the parties to mediation, order drug tests, and more.

After this, if the parties still don't have an agreement, the case will be set for trial.

- At the trial, everyone can present evidence and witnesses.
- If a GAL was appointed, they may be called as a witness. Sometimes the court allows the GAL to give closing arguments or cross-examine witnesses.
- The judge will consider all the evidence and information and decide who, if anyone, should be appointed guardian.



After You Are Appointed Guardian.

Get copies of your guardianship papers.

- After the order is entered, get a certified copy of the order to be able to immediately show you are the guardian.
- After your court date, the court will issue "Letters of Office" or "Letters of Guardianship." The Letters are what you show to prove that you are the guardian.
- You may be able to get the Letters the day you are in court or receive it by email or in the mail later.
- Some places or entities may require a certified copy. If you need yours certified, contact your Circuit Clerk's office. To find the phone number for your Circuit Clerk's office, visit ilcourts.info/clerks.

While you are guardian of the person:

- You are responsible for the health, welfare, and education of the minor.
- You must notify the court and the minor's parents of any change in your address or the address of the minor within 30 days of the change.
- You must first get permission from the judge before moving out of state with the minor or traveling with the minor outside the state for more than 30 days.
- You cannot transfer custody of the minor to anyone else, including the minor's parents, without permission from the judge.
- You may be required to file annual status reports with the court.

While you are guardian of the estate:

- You are responsible for the care, management, and investment of the minor's estate.
- You must keep records of the minor's income, assets, and expenditures.
- You must appear on behalf of the minor in any legal proceeding regarding the minor.
- You must notify the court and the minor's parents of any change in your address or the address of the minor within 30 days of the change.
- You may be required to file annual status reports with the court.

Ending the Guardianship

- You will be the guardian until the child turns 18 **or** the judge ends the guardianship, whichever happens first.
- Whenever a parent is ready and able to care for the child again, they can file a Petition to Discharge the Guardian.
 - This petition should explain the change in circumstances since the guardianship was entered.
 - If the guardian and judge agree, the judge can discharge the guardian. If the guardian doesn't agree, the judge could appoint a GAL to investigate and go through a trial to determine whether to end the guardianship.
 - You can also ask the judge to discharge you as the guardian and appoint a successor guardian in the future.
 - For more information on discharging guardianship visit: ilao.info/start-case-end-minor-guard.



**YOU'VE COMPLETED THE STEPS OF A
MINOR GUARDIANSHIP CASE.**