

**Order Appointing Plenary Co-Guardians
of a Person with a Disability (1/4/23) CCP 0228 A**

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, PROBATE DIVISION**

File No. _____

Estate of _____
A Person with a Disability.

**ORDER APPOINTING PLENARY CO-GUARDIANS
OF A PERSON WITH A DISABILITY¹**

On the Petition of _____ for the appointment of
(printed name of the Petitioner)

_____ as Co-Guardian of
(printed name of proposed Co-Guardian)

the estate person estate and person of _____
(printed name of the Person with a Disability)

(“the Respondent”) and _____ as Co-Guardian of
(printed name of proposed Co-Guardian)

the estate person estate and person of the Respondent,
the Court finds that:

1. The proposed Co-Guardian: _____
(printed name of proposed Co-Guardian)

of the estate person estate and person is

a. An individual

i. Information on Residency

1. who is a resident of Illinois

2. who is a nonresident of Illinois and has complied with §1-11 of the
Probate Act of 1975 (“Probate Act”) [755 ILCS 5/1-11] by filing with the
Court a Designation of Resident Agent to accept service of process, notice
or demand required by law to be served upon the Guardian

and

ii. Information on Criminal Background

1. who has not been convicted of a felony

1. If there are more than two co-guardians, complete two separate co-guardian order forms.

2. who has been convicted of a felony, but the conviction shall not prevent the appointment because:
 - a. The appointment is in the Respondent's best interests, after considering the nature and date of the offense and the evidence of the proposed Co-Guardian's rehabilitation, and
 - b. The offense is not one which, under §11a-5(a)(5) of the Probate Act [755 ILCS 5/11a-5(a)(5)], would prohibit the appointment

and

- iii. who is qualified to act as Co-Guardian under §11a-5(a) of the Probate Act [755 ILCS 5/11a-5(a)].

- b. a public agency or not for profit corporation and is not directly providing residential services to the ward and is qualified to act as Co-Guardian under §11a-5(b) of the Probate Act [755 ILCS 5/11a-(b)].
 - c. a corporation qualified to accept and execute trusts in Illinois and is qualified to act as Co-Guardian under §11a-5(c) of the Probate Act [755 ILCS 5/11a-(c)].
 - d. the State Guardian, and the appointment of the State Guardian is appropriate and required because there is no individual suitable and willing to accept the Co-Guardianship appointment.
 - e. the Cook County Public Guardian who is qualified to act under §13-5 of the Probate Act [755 ILCS 5/13-5].

2. The proposed Co-Guardian: _____ of the
(printed name of proposed Co-Guardian)

estate person estate and person is

- a. An individual
 - i. Information on Residency
 1. who is a resident of Illinois
 2. who is a nonresident of Illinois and has complied with §1-11 of the Probate Act of 1975 ("Probate Act") [755 ILCS 5/1-11] by filing with the Court a Designation of Resident Agent to accept service of process, notice or demand required by law to be served upon the Co-Guardian

and

- ii. Information on Criminal Background

1. who has not been convicted of a felony
2. who has been convicted of a felony, but the conviction shall not prevent the appointment because:
 - a. The appointment is in the Respondent's best interests, after considering the nature and date of the offense and the evidence of the proposed Co-Guardian's rehabilitation, and
 - b. The offense is not one which, under §11a-5(a)(5) of the Probate Act [755 ILCS 5/11a-5(a)(5)], would prohibit the appointment

and

- iii. who is qualified to act as Co-Guardian under §11a-5(a) of the Probate Act [755 ILCS 5/11a-5(a)].
 - b. a public agency or not for profit corporation and is not directly providing residential services to the ward and is qualified to act as Co-Guardian under §11a-5(b) of the Probate Act [755 ILCS 5/11a-(b)].
 - c. a corporation qualified to accept and execute trusts in Illinois and is qualified to act as Co-Guardian under §11a-5(c) of the Probate Act [755 ILCS 5/11a-(c)].
 - d. the State Guardian, and the appointment of the State Guardian is appropriate and required because there is no individual suitable and willing to accept the Co-Guardianship appointment.
 - e. the Cook County Public Guardian who is qualified to act under §13-5 of the Probate Act [755 ILCS 5/13-5].
3. The Court has jurisdiction to appoint a Co-Guardian under §§203-204 of the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act ("UAGPPJA") [755 ILCS 8/203-204] because:
- a. Illinois is the Respondent's "home state" as defined in §201(a)(2) of the UAGPPJA.
 - b. _____ is the Respondent's "home state", but Illinois is a "significant-connection state" as defined in §201(a)(3) of the UAGPPJA, and one of the additional requirements specified in §203(2)(A)-(B) of the UAGPPJA applies.
 - c. Illinois is not the Respondent's "home state" or a "significant-connection state" as defined in §201(a)(2)-(3) of the UAGPPJA but the "home state" and "significant-connection state" have declined to exercise jurisdiction because Illinois is the most appropriate forum.
 - d. Illinois is not the Respondent's "home state" or a "significant-connection state" as defined in §201(a)(2)-(3) of the UAGPPJA, but the circumstances involved constitute an "emergency" as defined in §201(a)(1) of the UAGPPJA, and, as a result, the Court has "special jurisdiction" under §204(a) of the UAGPPJA.

Iris Y. Martinez, Clerk of the Circuit Court of Cook County, Illinois

cookcountyclerkofcourt.org

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4. In accordance with §11a-3 and §11a-12 of the Probate Act, by clear and convincing evidence, the Respondent is a person with a disability and:
 - a. totally lacks sufficient understanding or capacity to make or communicate responsible decisions concerning the care of his or her person;
 - b. is totally unable to manage his or her estate or financial affairs.
5. Limited Guardianship will not provide sufficient protection for the Respondent.
6. The appointment of a Guardian *ad litem* WAS WAS NOT necessary for the protection of the Respondent or to make a reasonably informed decision on the Petition.
7. (a) The Respondent was present at the hearing;
(b) The Respondent's presence at the hearing was excused for the reason that the record shows that the Respondent refuses to be present will suffer harm if required to attend.
8. The appointment of separate Guardian(s) of the person and Guardian(s) of the estate is in the best interests of the Respondent.
9. The appointment of Co-Guardian(s) of the person, Co-Guardian(s) of the estate, or both, is in the best interests of the Respondent, the Court having considered the proposed Co-Guardians' history of cooperating and working together on behalf of the Respondent, and the proposed Co-Guardians having agreed to serve together.
10. The factual basis for the above findings of the Court is as follows:

IT IS ORDERED that:

A. _____ and
(printed name of proposed co-guardian)
_____ be appointed
(printed name of proposed co-guardian)
as Plenary Co-Guardians of the estate estate and person of the
Respondent.

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- B. _____ and
(printed name of proposed co-guardian)
_____ be appointed
(printed name of proposed co-guardian)
as Plenary Co-Guardians of the person of the Respondent.
- C. Letters of Plenary Co-Guardianship shall issue in accordance with the provisions of this Order.
- D. The bond:
i. of the Plenary Co-Guardian of the **estate** and surety therein, be approved.
ii. of the Plenary Co-Guardian of the **person** be approved.
- E. The Plenary Co-Guardians of the **estate** shall appear and present:
i. an Inventory as required by §14-1 of the Probate Act and in the form prescribed by Cook Co. Cir. Ct. R. 12.9 (Sept. 3, 1996) and _____ a proposed budget on _____ at _____ AM _____ PM (**not more than 60 days after the date of this Order**).
- ii. a verified Account as required by §24-11(a) of the Probate Act and in the form prescribed by Cook Co. Cir. Ct. R. 12.13 (Sept. 3, 1996) on _____ at _____ AM _____ PM (**not more than 13 months after the date of this Order**).
- F. The Plenary Co-Guardians of the **person** shall file or mail an Annual Report as required by §11a-17(b) of the Probate Act, and annually thereafter, or shall appear before the Court on _____ at _____ AM _____ PM (**not more than 13 months after the date of this Order**).
- G. The Plenary Co-Guardians of the **person**:
i. shall complete the training program as provided in Section 33.5 of the Guardianship and Advocacy Act (“GAA”) [20 ILCS 3955/33.5] and file with the Court a certificate of completion one year from the date of issuance of the Letters of Plenary Co-Guardianship or shall appear before the Court on _____ at _____ AM _____ PM (**insert same 13-month Annual Report date as above**). The training program can be found at www.gac.illinois.gov/osg/guardianship-training.html and the Illinois Guardianship and Advocacy Commission can be contacted for further information by calling (866) 274-8023;

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- ii. is exempt from the training requirement set forth in §33.5 of the GAA, based upon §11a-12(e) of the Probate Act, as an employee of the Office of the State Guardian, a public guardian, an attorney currently authorized to practice law, a corporate fiduciary, or a person certified by the Center for Guardianship Certification;
 - iii. is exempt from the training requirement set forth in §33.5 of the GAA, based upon good cause shown.
- H. The Clerk of the Circuit Court shall mail CCP-0214 to the Respondent at the address set forth below informing the Respondent of the Respondent's rights under §11a-19 and §11a-20 of the Probate Act:
- i. Full Name of Respondent: _____
Last Name First Name Middle Name
 - ii. Street Address: _____
 - iii. City/State/Zip: _____
- I. The Clerk of the Circuit Court of Cook County shall immediately notify the Department of State Police, Firearm Owner's Identification Department (FOID), and forward a copy of this Court Order to the Department of State Police, Firearm Services Bureau, 801 S. 7th Street, Springfield, IL 62703, in accordance with §11a-24 of the Probate Act.
- i. Full Name of Person with a Disability: _____
Last Name First Name Middle Name
 - ii. Gender: _____
 - iii. Date of Birth: _____
 - iv. (4826) FOID: _____
- J. The Clerk of the Circuit Court of Cook County shall immediately notify the Secretary of State, Driver Services Department, and forward a copy of this Court Order to the Secretary of State, Driver Services Department; 2701 S. Dirksen Pkwy, Springfield, IL 62703 in accordance with §11a-25 of the Probate Act.
- i. Driver's License No. of Person with a Disability: _____
 - ii. Address of Co-Guardian of the person: _____
 - iii. Address of Co-Guardian of the estate: _____

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- K. i. The Guardian *ad litem* is hereby discharged and granted leave to file a fee petition.
- ii. The Guardian *ad litem's* appointment is hereby extended for a specific purpose (see separate Order Appointing or Extending Guardian *Ad Litem* For Specific Purpose, CCP 0215).

Atty. No.: _____

Atty Name: _____

Atty. Firm: _____

Atty. for: _____

Address: _____

City: _____

State: ____ Zip: _____

Telephone: _____

Primary Email: _____

ENTERED:

Dated: _____

Judge

Judge's No.