

**CLERK OF THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS**

**INSTRUCTIONS FOR COMPLETING PETITION FOR
GUARDIANSHIP OF A MINOR**

Filing Fee \$264.00

Please read these instructions before you fill in the forms.

1. Fill out the attached forms completely before filing your petition. Print all required information. Fill in all blanks completely. If you are petitioning for guardianship of more than one minor, separate petitions must be completed. All petitions, however, will be filed under one case number.
2. PETITIONER MUST USE LEGAL NAME.
3. If you are unable to pay the filing fee, affidavits to sue or defend as a poor person are available in the Circuit Clerk's office. All affidavits must be approved by the Probate Judge.
4. List both parents and their current or last-known addresses.
5. If a parent's whereabouts are unknown, you must obtain service on him/her by publication in a local newspaper – unless excused by the court for cause.
6. You must submit a bond with surety unless the guardianship is of the person only.
7. Your hearing date will be approximately 7 - 9 weeks after your completed petition is filed with the Circuit Clerk.

IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

In re the Matter of the Estate of:

Case No. _____

_____, a minor
(minor child's name)

Date of birth: _____
(of the minor child)

PETITION FOR GUARDIAN

_____, Petitioner, a reputable citizen of Illinois,
on oath states:

1. Petitioner is not related to the minor child.

Petitioner is related to minor child as _____.

2. It is necessary that a guardian be appointed for the minor child because:

3. Petitioner asks that he/she be appointed guardian of the _____
(Person / Estate /or Person and Estate)
of the minor.

4. The person(s) having custody of the minor is/are _____

5. The minor currently resides with:

Petitioner (person requesting guardianship)

Person having custody (listed in No. 4 above)

Other (provide address) _____

6. Has the minor child been involved in any of the following court cases (see below a-e)?

- a. Is or was there a juvenile case of abuse or neglect involving the minor?

YES (please provide county, state, and case no. if known) _____

NO

- b. Is or was DCFS or CHASI contacted with regard to the minor?

YES (please provide county, state, and case no. if known) _____

NO

- c. Is or was the minor child a product of a marriage involved in a divorce case?

YES (please provide county, state, and case no. if known) _____

NO

d. Is or was the minor child ever been involved in a child support or paternity case?
YES (please provide county, state, and case no. if known) _____
NO

e. Is or was the minor child ever been involved in a probate or guardianship case?
YES (please provide county, state, and case no. if known) _____
NO

7. To the best of my knowledge, no other guardian has been appointed for the minor by any court.

8. The names and addresses of the nearest adult relatives of the minor are:

Petitioner's Information (person requesting guardianship):

(name) _____ Date of Birth _____

(address including city, state and zip code) _____

Telephone _____ Email _____

Mother's Information:

(name) _____ Date of Birth _____

(address including city, state and zip code) _____

Telephone _____ Email _____

Father's Information:

(name) _____ Date of Birth _____

(address including city, state and zip code) _____

Telephone _____ Email _____

Other* (*Other relatives including nearest adult kindred are to be named only if they have physical custody of the minor, or if the parents are deceased, or their whereabouts are unknown)

(name) _____ Date of Birth _____

(address including city, state and zip code) _____

Telephone _____ Email _____

9. The approximate amount of the minor's personal estate is \$_____ and the amount of his/her anticipated gross annual income is \$_____.

10. Further, I certify that I **have** **have not** been convicted of a felony (check one).

WHEREFORE, it is requested that the relief sought herein be granted by the Court.

Petitioner

VERIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure [735 ILCS 5/1-109], the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he or she verily believes the same to be true.

Petitioner Signature

Date

Signed and sworn to before me this _____ day of _____, 20____.

Notary/Deputy Clerk

IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

In re the Matter of the Estate of:

Case No. _____

_____, a minor

OATH OF OFFICE

I _____, on oath state that I will discharge faithfully
(name of Petitioner)

the duties of the Office of Guardian of the _____ of the minor named
(Person / Estate /or Person and Estate)
herein.

(Petitioner's signature)

(print name)

Signed and sworn to before me this _____ day of _____, 20_____.

Notary Public/Deputy Clerk

IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

In re the Matter of the Estate of:

Case No. _____

_____, a minor

NOMINATION OF GUARDIAN BY MINOR

Being a minor over 14 years of age, residing at _____ I nominate

_____ as guardian of my _____.

(Person / Estate /or Person and Estate)

(Minor's Signature)

(Date)

Subscribed and sworn to before me this _____ day of _____, 20 _____.

Notary Public/Deputy Clerk

**CIRCUIT COURT OF ILLINOIS
THIRD JUDICIAL CIRCUIT
MADISON COUNTY**

In Re the Estate of:

Case No. _____

(Minor Name)

(Date of Birth)

CONSENT TO APPOINTMENT OF GUARDIAN

By completing this form, a parent or current guardian of the person of the child is consenting to the appointment of a guardian. A separate form should be completed for each child.

1. Identification of Parent (or current guardian) and Child

I, _____
(print name of parent or current guardian that is designating a new guardian),

currently residing at _____
(insert address of designating /consenting parent or guardian),

am a parent (or the guardian of the person) **of the following child** (or of a child likely to be born):

(insert name and date of birth of child, or insert the words "not yet born" to appoint a guardian for a child to be born and the child's expected date of birth).

2. Designation of Guardian

I hereby designate to the following person as the guardian for the child:

(print name and address of person to be guardian).

- 3. I understand that the guardian will have the decision making authority for the child, and that the standards set out in the Illinois Probate Act will control as to whether this guardianship may be terminated.**

4. **I hereby consent to the Guardianship.**

Signature of consenting parent (or current guardian if applicable).

5. **Witnesses** (Two witnesses are needed)

The undersigned witnesses saw the parent sign this document, and then signed this document as a witness in the presence of the parent (or the current guardian)

The undersigned, *in this section # 5*, understand that they are **not** appointed to act as the guardian for the child, but are acting in signing only as a witness:

Witness 1: _____

Witness 2: _____

(Print Name, Signature & mailing address)

(Print Name, Signature & mailing address)

6. **Acceptance by Guardian.**

I agree to serve as guardian signed: _____
(print and sign)

7. **Consent of Child's other Parent**

I, _____

(insert name and address of the child's other parent),

hereby consent to the above guardian and understand that he or she will have decision making authority for the child. Signed: _____

(signature of consenting parent and the date he or she signed)

8. Witnesses to Consent of the Child's other Parent

**The undersigned witnesses saw the parent _____
sign this document and then signed this instrument as a witness in the presence of the parent**

Witness 1 _____

Witness 2 _____

(Print Name, Signature & mailing address)

(Print Name, Signature & mailing address)

(Witnesses in this section do not have to be the same as the witnesses in Section 5 above.)

The Witnesses in Section 8 understand that they are **not** designated **or** appointed in this instrument to act as the guardians for the child, but are acting in signing only as witnesses.

**IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS**

In re the Matter of the Estate of

_____, a MINOR. No. _____

BOND WITH SURETY

I, _____, bind myself to the People of the
State of Illinois that I will faithfully discharge the duties of the office of Guardian of the
_____ of the minor named herein.

Person and Estate / Estate

The obligation of this bond is limited to \$ _____ with _____, surety.

Individual/Corporate

Guardian's Signature

Name: _____

Address: _____

Approved: _____

Presiding Judge

Signed and sworn to before me this
_____ day of _____, 20____

Notary Public/Deputy Clerk

Individual Surety's Signature

Name: _____

Address: _____

Telephone: _____

Signed and sworn to before me this
_____ day of _____, 20____.

Notary Public/Deputy Clerk

Individual Surety's Signature

Name: _____

Address: _____

Telephone: _____

Signed and sworn to before me this
_____ day of _____, 20____.

Notary Public/Deputy Clerk

**IN THE CIRCUIT COURT
FOR THE THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS**

In Re The Matter Of

)	
)	Case No. _____
)	
)	

ORDER APPOINTING GUARDIANSHIP OF MINOR(S)

Matter comes before this Court on the Petition for the appointment of Guardian of the above Minor(s).

This Court being fully advised hereby **FINDS** as follows:

1. ☐ The minor(s) (does) (do) not have a living parent, adoptive parent, or adjudicated parent, whose whereabouts are known who is willing and able to make and carry out day to day child care decisions concerning the minors(s).

 ☐ The _____ (has) (have) consented to the appointment of the Guardian of the Minor(s).

 ☐ After receiving notice of this hearing pursuant to statute, _____ (has) (have) failed to appear and object to the appointment of a Guardian of the Minor(s).

2. The Petitioner(s) (is) (are) at least eighteen (18) years of age, resident(s) of the United States, not of unsound mind, not adjudicated disable person(s), and not convicted felon(s).

3. It is in the best interest of the Minor(s) that a Guardian be appointed

4. _____

Based upon the foregoing, it is therefore **ORDERED:**

- A. _____ (is) (are) appointed the Guardian(s)
 of the _____ of the minor(s).
- B. Letter of office to issue.

Date: _____

Judge Presiding