

How do I deliver a courtesy copy?

Deliver courtesy copies of the *Petition, Notice of Mailing and Notice of Confidential Information* to the Judge’s admin assistant well in advance of your hearing.

Drop the courtesy copy off in the Chancery Division. The Chancery Division is located on the **2nd floor of the Courthouse** near the elevators and large windows.

If mailing copies, please send to the address below:

Hon. Judge (Name)
Chancery Division
505 N. County Farm Rd
Wheaton, IL 6018

How do I change the date of the hearing?

Court dates cannot be changed over the phone. If there are more than seven (7) days before the originally set date please use the ‘**Changing a Court Date**’ program on the Illinois Legal Aid website to complete the correct forms.

Then, call the Judge’s admin assistant and ask to reschedule the hearing. Create a new *Notice of Motion*. E-file the *Motion* and the *Notice*. Once approved, send copies to each party before 5:00pm that same day. Deliver courtesy copies to the Judge’s assistant.

Is there any assistance available to me?

Yes, if you find you need assistance there are options available. For a general overview of permanent guardianship, please visit www.IllinoisLegalAid.org.

If you find you need legal representation, please contact the local *DuPage County Bar Association Lawyer Referral Service* at 630-653-9109. This hotline will refer you to an attorney who is familiar with guardianships.

Permanent Guardianship of a Minor

(no estate)

Frequently Asked Questions & Answers

**For litigants coming to court
in DuPage County without
legal representation**



Edited 05/2018

**Prepared by the DuPage County Law
Library**

What is a “guardianship”?

When a parent is unable to make **day-to-day child care decisions** for their child, an adult is chosen by the parent or appointed by a judge to become legally responsible for the child. These responsibilities include providing a stable home life for the child, enrolling them in school, and ensuring they receive medical treatment.

Is “adoption” the same as “guardianship”?

No. An **adoption** occurs when the biological parents legally give up all of their parental rights and responsibilities to the adoptive parents. The adoptive parents then have sole responsibility for the welfare of the child. The biological parents no longer have any legal rights over the child.

A **guardianship**, on the other hand, occurs when a non-parent adult takes over responsibility of the minor’s wellbeing for a certain period of time. During the guardianship, a biological parent may still have the right to visit their child and provide financial support until they are able to make child care decisions again.

When is a minor appointed a guardian?

By law, one of these listed situations is required:

- the parents have *voluntarily* given up their rights and cannot make day-to-day child care decisions; **or**
- the parents give consent in court or in writing for the non-parent to *eventually* become the minor’s guardian;
- or**
- the parent is no longer able to make day to day child care decisions and guardianship is in the *best interest of the minor*.

What is “permanent guardianship”?

If the minor has an estate or the guardianship will last longer than one (1) year, a permanent guardian must be appointed and ends when the child turns 18 years old. *This brochure only covers a guardianship lasting longer than 1 year.*

Who can become a guardian?

For a complete list of requirements please read the ‘**Guardianship of a Child**’ article available online at www.IllinoisLegalAid.org.

Can a parent agree to a guardianship voluntarily?

Yes, even if the parent is able to make decisions regarding child care the parent can still agree to a guardianship for various reasons. More information is available on www.IllinoisLegalAid.org, in the law library on the 2nd floor of the DuPage County courthouse or at your local public library.

Can the minor choose their guardian?

Yes, if the minor is 14 years or older, he or she can nominate, or choose, a guardian subject to the Judge’s approval. The nomination form is **#2173 – Nomination for Guardian of A Minor** <http://www.dupageco.org/CourtClerk/CourtForms.aspx>.

How do I become a “permanent guardian”?

First, make sure you meet the requirements of becoming a guardian. Next, complete the necessary guardianship forms. Then, schedule a hearing. E-file your forms and send copies to the minor’s parents and immediate adult family members to let them know about the court date. Drop courtesy copies off with the Judge assigned to your case. Lastly, come to your hearing date with all of your documents.

Where do I get permanent guardianship forms?

Downloadable forms are available online at: <http://www.dupageco.org/CourtClerk/CourtForms.aspx>. Search by **form name or number**:
#3834 – *Petition for Guardianship of A Minor*
#4207 – *Notice of Confidential Information Within Court Filing*
#2169 – *Notice of Motion/Proof of Service*
#3836 – *Order for Guardianship of Minor*

What is a “Petition for Guardianship of A Minor”?

The **Petition** provides the Judge with information about you, the child and also the reasons you are requesting a permanent guardianship. This is the first form completed by the possible guardian.

What is the “Notice of Confidential Information Within Court Filing”?

When completing the Petition, you will be asked to attach additional information about the child and their family members. This is **confidential information** that should not be part of the public record. Include this private information in the **Notice of Confidential Information**, not in the Petition.

What is the “Notice of Motion”?

The **Notice** is completed after setting up a hearing date. It lets the parents and family members know when the hearing will take place.

What is the “Order for Guardianship of A Minor”?

The **Order** is a document brought to the hearing by the guardian for the Judge to sign. Before the Judge can sign the Order, the person asking for guardianship fills in the case number, case name, and outlines what requests they want granted by the Judge. Be prepared to answer any questions the Judge may have. If the requests are granted, the Judge will sign the Order.

What do I do after completing the forms?

After completing the forms either print them off or save them in PDF format to your computer or flash drive. You are now ready to e-file.

What is “e-filing”?

Most court documents need to be filed, or recorded, with the Circuit Clerk’s Office. Once e-filed, the documents are part of the Clerk’s records and can be sent to other parties involved.

How do I e-file?

To e-file, scan or upload the **Petition** and **Notice of Confidential Information** as PDFs to <https://il.i2file.net/#/>. The DuPage County Circuit Clerk’s Office reviews them. If accepted, the documents receive an official stamp showing when the document was e-filed.

How do I set up a hearing date?

Schedule a hearing with the Judge’s admin assistant after your documents are accepted by the Circuit Clerk’s Office. Call **(630) 407-8814**. Ask to schedule a hearing for guardianship of a minor and have your case number ready. https://www.dupageco.org/Courts/Standing_Orders/49626/.

I’ve set up a hearing, who is notified?

Complete a *Notice of Motion* for each individual listed in the *Notice of Confidential Information*. Each individual will need a copy of the e-filed *Petition*, too.

At least 7 days before the hearing date, complete the Proof of Service portion on the *Notice* and e-file it.

You have until 5:00pm the same day you e-file to mail each individual an e-filed copy of the:

- *Notice of Motion*
- *Petition for Guardianship of A Minor*

After sending notice, what do I do?

You must provide courtesy copies of your e-filed documents to the Judge assigned to your case well in advance of your court date.

What are courtesy copies?

A courtesy copy is a paper copy of an e-filed document for the Judge assigned to your case. This paper copy is either mailed or dropped off with the Judge’s admin assistant. This should be done well in advance of the hearing.