



*Because equal access to
justice is everyone's fight*

Adult Guardianship Petitioner Case Instructions

(Updated June 2022)

STEP 1: Client Intake

- If the initial intake has not been completed, call the client and go through the Adult Guardianship Questionnaire.
- If the questionnaire has already been completed, skip this step.

STEP 2: Fill Out Forms

- Using the Adult Guardianship Questionnaire & Memo, compile and complete the necessary documents to petition for guardianship. The starred forms are optional and depend on the circumstances of the case. Further explanation on some forms is included below.

For Filing:

- Probate Division Cover Sheet
- Petition for Appointment of Guardian of a Person with a Disability (CCP-0200)
- Motion to Waive GAL/Appoint Pro Bono GAL
- Summons (CCP-0201)
- Oath and Bond of Representative – No Surety (CCP-0313)
- Civil Legal Services Provider (CLSP) form
- *Notice of Motion

For Court:

- *CCP-211 (Should be in the file)
- Order Appointing Plenary Guardian of a Person with a Disability (CCP-0204A)
- Statement of Rights (CCP-0214)
- Petition for Appointment Guardian of a Person with a Disability:
 - *Does Petitioner expect the Alleged Person w/a Disability to appear in court?*
 - If no, a GAL will be required.
 - Check yes if Respondent able to appear on Zoom
 - All court proceedings are remote until Labor Day 2022
 - The values in line 4 (a) and (b) will likely be \$0.00 unless Respondent receives Social Security income.
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 - Use Section B if no assets – (strike A and C) as Petitioner is seeking Guardianship of Person Only
 - 2 Petitioners – modify “Guardian” to read “Co-Guardians” where it appears.
 - Exhibit A:
 - Exhibit A should include the name, relationship, and last known address for every individual entitled to notice of a guardianship proceeding. This

typically includes the parents and the Respondent's siblings age 18 or older.

- Include the last known address for these individuals, even if this address is old and the client does not think it is accurate anymore.
- Oath & Bond – No Surety
 - You will not need this until the plenary court date, but it is easiest to have the client sign all the paperwork at one time.
 - Must be notarized.
- Summons
 - Complete once Petition is filed and accepted w case number and court date

STEP 3: Have client sign the forms

- After all forms are completed, have the client or other relevant individuals sign and send back the forms.
- Note, the Oath & Bond requires that the client sign in front of a notary. CVLS has notaries available for scheduling signing appointments.

STEP 4: E-File the documents

- Set up an e-filing account with Odyssey or preferred e-filing provider.
- Combine the Probate Division Cover Sheet, Petition(s) for Appointment of Guardian of a Person with a Disability w Exhibit A into one PDF. Your initial filing will include this and the CLSP. You will deal with all other documents after this initial filing has been accepted.
- For more information on e-filing procedures and the process for obtaining a court date, see the “Adult Guardianship E-Filing Instructions” document. This document explains the e-filing process, how and when to submit to the court the remaining forms, and how to obtain a court date.

STEP 5: Prepare the client for court

- After everything has been filed and you have a court date, prepare the client for appearing for the hearing.
- Prepare the client that the judge will ask the following questions:
 - if they are over the age of 18,
 - if they are a resident of the United States,
 - if they have ever been convicted of a felony, and
 - if a court has ever found they suffer from an unsound mind.
- If Respondent plans to appear in court (preferred), prepare the client that the judge will speak to Respondent ask Respondent questions, too.
 - Rights in guardianship proceedings and whether Respondent agrees to Petitioner being appointed.
 - It is okay if Respondent is unable to communicate effectively with the judge*

- Due to COVID-19, all court hearings are occurring virtually via Zoom. If the client is not familiar with Zoom, it is a good idea to schedule a practice Zoom with them in advance of the court date to work out any issues. You can set up the practice Zoom to have a password and waiting room feature just like there will be on the day of court.
- If the client requires an interpreter during court, you will need to request that in advance of court.
 - To request an interpreter, email Joseph Fleming (joseph.fleming@cookcountyil.gov) and Daniel Duffy (Danielquinn.duffy@cookcountyil.gov).
 - The email must include the case name, case number, court calendar, name of the assigned judge, and the language needed.
 - Requests for Spanish and Polish interpreters must be made at least 48 hours in advance of the hearing. However, it is best to request these interpreters at least one week in advance. If you do not receive confirmation that an interpreter has been scheduled by 48 hours before the hearing date, it is a good idea to follow up with the court.
- **Send Courtesy Copies of your documents to the Judge via email**
 - Emails are listed in the Probate Reference Guide
 - Send the following:
 - Petition
 - Affidavit of Service
 - Motion to Waive GAL
 - CCP-211 (original must be delivered to Court after hearing)
 - Executed Oath & Bond- No Surety (original must be delivered to Court after hearing)
 - Proposed Order Appointing Guardian
 - Statement of Rights

STEP 6: Attend court

- Attending court for an adult guardianship petitioner case is generally a quick and simple process.
- Most judges will bring parties into their Zoom courtroom one case at a time.
 - Make sure your and your client's names on Zoom show the case name and number (Example: John Smith, CVLS – Martinez 22P1234)
 - The Judge will ask everyone to state their name for the record. Introduce yourself and your client(s) and let the Judge know you are there for hearing on the Petition for Appointment of Guardian of a Person with a Disability.

STEP 7: Wrapping up

- After the guardianship is entered, you will receive a copy of the court order via email.
- Send closing Order to the client with a blank Annual Report Regarding Ward. CVLS can provide a sample closing letter.
- You will also receive Letters of Office via email after Court, though these can take much longer. If the client needs them quickly, they can bring the Order to the 12th Floor of the Daley Center and request originals.