

AIDS Foundation OF CHICAGO

411 South Wells Street
Suite 300
Chicago, IL 60607

Tel (312) 922-2322
Fax (312) 922-2916
TDD (312) 922-2917

Support HB 6563

Restoring Best Interests Determinations in Guardianship Appointments

HB 6563 (Washington, Flynn Currie, Feigenholtz) amends the Probate Act to restore the ability of judges to appoint the best possible guardian for a child or disabled adult, even if the best candidate has a past felony conviction. HB 6563 improves the state's guardianship statutes by giving parents more flexibility for the future care of their children.

HB 6563 allows judges to continue to waive the felony ban on guardianship appointments when deemed in the best interest of the ward.

- Until recently, judges have been able to waive the felony ban and have done so in exceptional circumstances, usually when the felony happened long ago and always when the proposed guardian is the best and most appropriate candidate.
- A recent appellate court decision held that judges never have the discretion to appoint someone with a felony conviction as guardian, regardless of the circumstances. HB 6563 restores the discretion of probate judges.
- An absolute ban on appointing a rehabilitated felon as guardian will result in more children ending up in DCFS custody and many disabled adults, including people living with HIV/AIDS, becoming wards of the Office of the State Guardian.

HB 6563 protects vulnerable children and adults while also ensuring their best interests.

- HB 6563 does not remove the ban on felons serving as guardians, but will allow judges to appoint such a person when she/he clearly would make the best guardian and poses no danger to the child or the disabled adult.

HB 6563 is supported by a coalition of children's advocacy and disability rights organizations including the AIDS Foundation of Chicago, AIDS Legal Council of Chicago, Chicago Bar Association, Chicago Legal Advocacy for Incarcerated Mothers, Chicago Volunteer Legal Services, Equip for Equality, Families' and Children's AIDS Network, and the Illinois State Bar Association.

For more information on this issue, please contact Karen A. Reitan at 312-922-2322 or kreitan@aidschicago.org.