

DuPage Legal Aid: Advocating for legal rights, continuing a tradition of service in DuPage County.

Mission

DuPage Legal Aid is dedicated to enlisting the pro bono aspect of lawyering by connecting DuPage County residents to high quality, compassionate, legal representation. We educate and support individuals, families and community partners, and we provide our clients with the legal link to a brighter future.

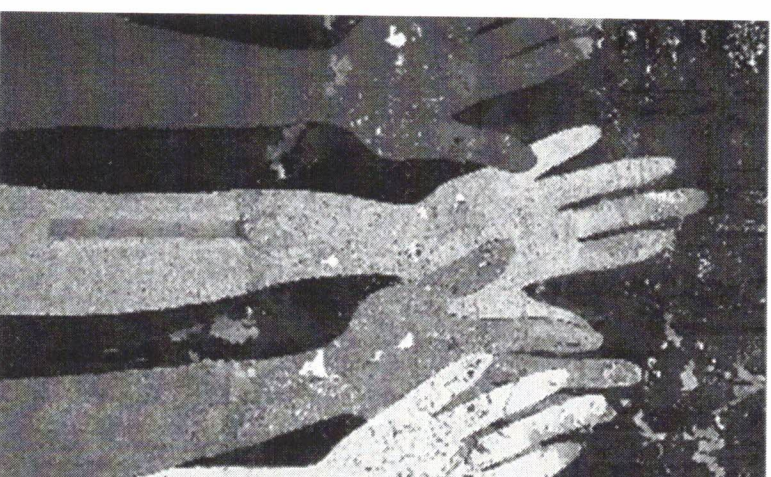


DuPage Legal Aid: Who We Are

We provide free legal assistance to those of limited means with: Family

Law Issues

- Orders of Protection, Stalking No Contact, and Restraining Orders
- Parentage cases
- Divorce cases
- Guardianship cases
- Bankruptcies
- Expungements
- Other Civil Issues



Start by having the client call between the hours of 9 a.m. and 2 p.m. to complete an intake/screening over the phone and complete an application that will be sent to the client

Guardianships Over Disabled Adults

- Legal Relationship established to make an appointed person able to make personal and property related decisions for someone who can no longer make decisions for themselves.
- Who is disabled? A person **lacking the understanding or capacity** to make or communicate responsible decisions concerning the care of his person, estate, or financial affairs. Could be due to gambling and debauchery too. However, we are allowed to make bad or immature decisions.
- Guardianships will **only be utilized to the extent necessary to promote the well being** of the person and to encourage his or her maximum self reliance and independence.

Types of Guardianships

- **Temporary**- Must file an **Emergency** Petition and prove an emergency basis. Issued for up to 60 days, can be extended but only up to 120 days.
- **Plenary**- Permanent and until further court order is entered
- **Limited**- Limited powers because of the ability of the ward allows for more decision making abilities to be exercised
- **Of the Person**- for healthcare, placement in programs, or care facilities
- **Of the Estate**- for management of finances, income, and bills
- **Standby Guardian**- if Guardian is incapacitated or unable, must file a Petition for Appointment within 60 days

Who May Act As Guardian

- 18 years old
- Resident of the US
- Sound mind
- Not adjudged a disabled person
- Has not been convicted of a felony with some exceptions (best interest and rehabilitation)
- Any public agency or not for profit corporation found capable by the court and IS NOT directly providing residential services to the ward.

Filing Your Petition

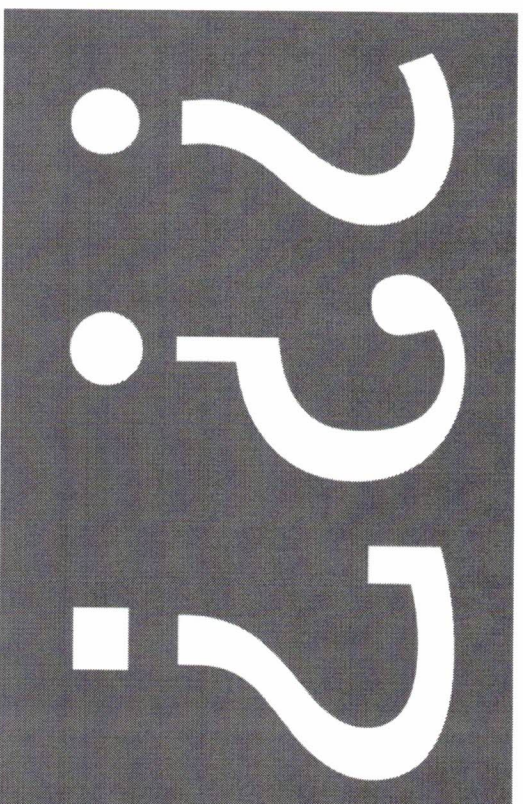
- Where? In the **county where the ward resides** or where his personal or real estate is located.
- Must state whether there is a **Power of Attorney** and who it is, if one exists. Must revoke if filing for Guardianship.
- Must state the approximate **value of any personal or real estate** along with annual gross income
- Must have an accompanying **Physician's Report** that is dated within 90 days of filing. LET'S LOOK AT AN EXAMPLE. SEE EXHIBIT A.
- Must give **notice** to next of kin
- Must set a **hearing date** within 30 days
- Must **personally serve** the Disabled Person/Respondent with Petition and Summons no less than 14 days of the hearing
- LET'S LOOK AT AN EXAMPLE. SEE EXHIBIT B.
- GAL may be appointed. SEE EXHIBIT C.

Upon Guardianship Being Granted

- Order Appointing Guardian (OSG or OPG)
LET'S LOOK AT AN EXAMPLE. SEE EXHIBIT D.
- Letters of Office issued by the Court.
- Oath LET'S LOOK AT AN EXAMPLE. SEE EXHIBIT E.
- Bond (Surety and No Surety) LET'S LOOK AT AN EXAMPLE. SEE EXHIBIT F.
- Statement of Right to Discharge or Modify
- Inventory within 60 days of Letters being issued

After Guardianship is Granted

- Annual Report and Accounting. LET'S LOOK AT AN EXAMPLE. SEE EXHIBIT F.
- Successor Guardian may be appointed by Court, but should discharge original first. LET'S LOOK AT AN EXAMPLE. SEE EXHIBIT G.
- Transfer of Ward- Must Petition, get Court's approval, serve Notice, and get an order entered



QUESTIONS?