

Advocacy Services and Agencies

Advocacy services are designed to help you and are best used for consulting, assisting when difficult and confusing situations arise (e.g. pursuing Social Security Benefits), and for providing information on your rights. An advocate can be a great support for an individual with a disability and their families. When choosing an advocacy service/agency, please remember to inquire about their expertise, fees and how their assistance is provided (e.g. hands on assistance vs. telephone consultation).

DuPage Center for Independent Living

739 Roosevelt Road Building 8, Suite 109

Glen Ellyn, IL 60137

Phone: (630) 469-2300

Fax: (630) 469-2606

TTY (630) 960-9687

Video Relay (630) 469-2605

www.dupagecil.org

Services provided: Resource information, advocacy services, and self-empowerment opportunities for people with disabilities.

Everyone is Welcome, Inc.

Mark Doyle

712 Westfield Drive

St. Charles, IL 60174

Phone: (630) 302-0970

E-mail: eiwelcome@sbcglobal.net

www.eiwelcome.com

Services provided: Consultation services to increase the inclusion of persons with disabilities.

Great Lakes ADA & Accessible I

Peter Berg

UIC-Institute on Disability and Human Development

1640 West Roosevelt Rd., Room 405

Chicago, IL 60608

Phone: (312) 413-1407 or (800) 949-4232

www.adagreatlakes.org

Services provided: Consultation and interpretation on issues related to the Americans with Disabilities Act and information technology.

Equip for Equality, Inc.

20 North Michigan Ave, Suite 300

Chicago, IL 60602

Phone: (800) 537-2632 or (312) 341-0022

Fax: (312) 341-0295

contactus@equipforequality.org

www.equipforequality.org

Services provided: Comprehensive advocacy and legal assistance with the focus of advancing the human and civil rights of Americans with disabilities

Illinois Guardianship and Advocacy Commission (IGAC)

West Suburban Regional Office

P.O. Box 7009

Hines, IL 60141

Phone: (708) 338-7500

Fax: (708) 338-7505

Intake Contact: (866) 274-8023

TTY Intake: (866) 333-3362

www.state.il.us/igac/

Services provided: Protection and enforcement of the rights of individuals with disabilities through: Office of State Guardian (appointed "guardian of last resort" for a person with a disability) and Legal Advocacy Service (legal advice and representation)

Guardianship Services Associates

41 A South Blvd.
Oak Park, IL 60302
Phone: (708) 386-5398
Fax: (708) 386-5970

Offers counseling information and referral related to guardianship and alternatives to guardianship. Can process guardianship in Cook Co. courts, but can provide information to anyone.

The Dignity Group

Thomas J. Reilly
1163 E. Ogden, Suite 705-354
Naperville, IL 60363
Phone: (630) 681-1119
dignitygroup@uus.net

Services provided: Advocacy services and supports as well as family planning services for people with disabilities.

Guardianship Information

What is guardianship? A guardian is someone legally vested with the power to make decisions on behalf of their ward.

Guardianship is not automatic. Many parents of young adults with severe disabilities are surprised to learn that, after their child reaches adulthood (age 18), they (the parents) are no longer legal guardians. Parental guardianship of minor children is a given, unless taken away by the court. Guardianship of any adult must be granted by the court.

Adults with severely disabilities that remain in the family home are, for all practical purposes, the responsibility of his or her parents. However, in the eyes of the law he or she is competent until proven otherwise. This is true even in cases where most people would agree that the person is clearly incapable of self-direction.

Persons without guardians are legally capable of making their own decisions. The fact that parents are not legal guardians may not cause problems for the family in many circumstances; most adult service providers will naturally include family members in decision-making and planning. However, it is important to realize that, without legal guardianship, parents do not have a legal right to enforce their decisions about their adult child. Service providers such as hospitals, residential programs, vocational programs, etc. are legally obligated to treat a service recipient as capable of making his or her own decisions unless that person has been adjudicated incompetent.

For the most part, this just means that the young adult will have to sign (or mark) consent forms, releases, etc. himself in order for them to be legally valid. This usually does not pose a problem. If, on the other hand, a young adult who is disabled does not agree with his parents about a decision (for instance, where to live, where to work, with whom to associate, etc.), the service provider has no legal right to override his decision in favor of the parents' wishes. Similarly, a person who has not been declared incompetent has the right to refuse permission for his parents to receive information from service providers.

When parents are divorced, or the family disagrees about important decisions for the young adult with a disability, lack of guardianship can become a volatile issue. Without guardianship, service providers have no legal right to treat one family member as the "official decision-maker" for the person. This can be very frustrating for a parent who has been responsible for this person throughout most of his or her life.

Why obtain guardianship? If a person is incapable of making or communicating responsible or safe decisions, guardianship puts this decision-making power in the hands of someone more capable.

Types of guardianship. The courts differentiate between guardianship of the person and of the estate. *Guardianship of the person* gives the guardian power to make decisions about personal life, such as where the person should live, what medical procedures they should undergo, whether they may marry, etc. *Guardianship of the estate* gives the guardian the right to make decisions about the management of the person's property and finances. Plenary guardianship includes both person and estate.

Co-guardianship is also available and encouraged as an option. In that case, more than one person shares the responsibilities of guardian: for instance, a mother and father, or a parent and sibling of the person. For older parents, co-guardianship with a non disabled sibling can make a lot of sense because it provides a natural way to pass on the guardianship responsibilities upon the event of a parent's death. The court will not automatically award guardianship to other family members if the guardian passes away. If no one petitions the court to become guardian, the person will become a ward of the Office of State Guardian.

Limited guardianship is another option. Limited guardianship is a court order customized to fit the precise needs of the individual with a disability. Every family should consider limited guardianship prior to pursuing plenary, person, or estate guardianship.

An alternative to guardianship. *Durable Power of Attorney* is an alternative to guardianship. Individuals who are in need of only minimal intervention by a substitute decision maker may be more appropriately protected by use of a Durable Power of Attorney either of the person or of property or both. This does not require a court hearing.

How to seek guardianship. To obtain guardianship, the potential guardian must first petition the court to have the person declared incompetent. Although the term “incompetent” sounds pejorative, all it means in a legal context is that the person is not able to make or communicate responsible and safe decisions unassisted.

If the court accepts the petition, a guardian ad litem will be appointed. This is usually an attorney, selected by the court, who is responsible for overseeing the person in question until a permanent guardian is appointed. Usually, the guardian ad litem does little beyond meeting the person and giving the court an opinion as to whether there is any reason to consider the need for guardianship.

At the same time, a physician’s statement must be obtained certifying that the person is permanently and significantly disabled to the point of being incapable of self-direction.

If these steps support the contention that the person needs guardianship, and no one opposes the petition to have the person declared incompetent, the court will issue a declaration to that effect and award guardianship. Unless there are other parties seeking guardianship, or opposing the award of guardianship to the person who initiated the proceedings, the court will simply give guardianship to the person requesting it.

Where to find assistance in seeking guardianship. If the family has a lawyer, it may be easiest to retain him or her to initiate the petition to the court. If the family has no lawyer, or is concerned about cost, they should contact the Office of State Guardian for information about how to proceed. Some legal assistance groups are available to help families obtain guardianship at less than the usual legal cost. Families are encouraged to use an attorney experienced in dealing with persons with disabilities and guardianship.

The following is a list of experienced attorneys in working with Individuals with disabilities and their families. This information does not imply endorsement by the DuPage County Transition Planning Committee. Families should explore options and make decisions that fit their needs.

<p>Huck Bouma Attorneys at Law 1755 S. Naperville Rd. Suite 200 Wheaton, IL 60189 Phone: (630) 221-1755 Fax: (630) 221-1756 www.huckbouma.com</p>	<p>Joe Monahan Matt Cohen 55 West Monroe, Suite 3700 Chicago, IL 60603 Phone: (312) 419-0252 Fax (312) 419-7428 www.monahan-cohen.com</p>
<p>Darrell Jordan Edwards, Jordan & O'Connor 6 W. Downer Place, PO Box 908 Aurora, IL 60507 Phone: (630) 897-1534</p>	<p>Steve Perlis 3345 N. Arlington Heights Rd., Suite D Arlington Heights, IL 60004 Phone: (847) 818-1138 Fax: (847) 818-1128 www.perliselderlaw.com</p>
<p>Steve Carbon Kupish & Carbon, Ltd. Attorney at Law 201 N. Church Rd. Bensenville, IL 60106 Phone: (630) 595-4520 Fax: (630) 595 4598 www.mediation-arbitration-trials.com</p>	<p>Sharon Rudy 405 W. State Street Rockford, IL 61101 Phone: (815) 962-1910</p>
<p>Theresa Varnet, P.C. Spain, Spain, and Varnet 33 N. Dearborn, Suite 2220 Chicago, IL 60602 Phone: (312) 220-9112 Fax: (312) 220-9261</p>	<p>Howard Weisman 500 Skokie Blvd., Suite 350 Northbrook, IL 60062 Phone: (847) 564-0001</p>
<p>Mark Epstein 33 N. Dearborn, Suite 801 Chicago, IL 60602-1196 Phone: (312) 782-3193</p>	<p>Richard J. Tarulis 101 N. Washington St. Naperville, IL 60540 Phone: (630) 355-2101 Fax: (630) 355-7843 www.napervillelaw.com</p>
<p>Suzanne High Renn & High Chartered Law Firm 59 Ogden Ave. Clarendon Hills, IL 60514 Phone: (630) 321-1460</p>	<p>L. Mark Russell 820 Davis St., Suite 215 Evanston, IL 60201 (847) 869-8868 (847) 692-1965</p>