

# HB2661



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB2661

by Rep. Robert Martwick

#### SYNOPSIS AS INTRODUCED:

755 ILCS 5/11a-9

from Ch. 110 1/2, par. 11a-9

Amends the Guardians for Adults with Disabilities Article of the Probate Act of 1975. Provides that one of the persons who performed the evaluations upon which the report relating to the adjudication of disability is based shall be a licensed physician or a licensed clinical psychologist (rather than "shall be a licensed physician"). Effective immediately.

LRB101 10074 LNS 55177 b

A BILL FOR

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Probate Act of 1975 is amended by changing  
5 Section 11a-9 as follows:

6 (755 ILCS 5/11a-9) (from Ch. 110 1/2, par. 11a-9)  
7 Sec. 11a-9. Report.†

8 (a) The petition for adjudication of disability and for  
9 appointment of a guardian should be accompanied by a report  
10 which contains (1) a description of the nature and type of the  
11 respondent's disability and an assessment of how the disability  
12 impacts on the ability of the respondent to make decisions or  
13 to function independently; (2) an analysis and results of  
14 evaluations of the respondent's mental and physical condition  
15 and, where appropriate, educational condition, adaptive  
16 behavior and social skills, which have been performed within 3  
17 months of the date of the filing of the petition; (3) an  
18 opinion as to whether guardianship is needed, the type and  
19 scope of the guardianship needed, and the reasons therefor; (4)  
20 a recommendation as to the most suitable living arrangement  
21 and, where appropriate, treatment or habilitation plan for the  
22 respondent and the reasons therefor; (5) the name, business  
23 address, business telephone number, and signatures of all

1 persons who performed the evaluations upon which the report is  
2 based, one of whom shall be a licensed physician or a licensed  
3 clinical psychologist, and a statement of the certification,  
4 license, or other credentials that qualify the evaluators who  
5 prepared the report.

6 (b) If for any reason no report accompanies the petition,  
7 the court shall order appropriate evaluations to be performed  
8 by a qualified person or persons and a report prepared and  
9 filed with the court at least 10 days prior to the hearing.

10 (b-5) Upon oral or written motion by the respondent or the  
11 guardian ad litem or upon the court's own motion, the court  
12 shall appoint one or more independent experts to examine the  
13 respondent. Upon the filing with the court of a verified  
14 statement of services rendered by the expert or experts, the  
15 court shall determine a reasonable fee for the services  
16 performed. If the respondent is unable to pay the fee, the  
17 court may enter an order upon the petitioner to pay the entire  
18 fee or such amount as the respondent is unable to pay. However,  
19 in cases where the Office of State Guardian is the petitioner,  
20 consistent with Section 30 of the Guardianship and Advocacy  
21 Act, no expert services fees shall be assessed against the  
22 Office of the State Guardian.

23 (c) Unless the court otherwise directs, any report prepared  
24 pursuant to this Section shall not be made part of the public  
25 record of the proceedings but shall be available to the court  
26 or an appellate court in which the proceedings are subject to

1 review, to the respondent, the petitioner, the guardian, and  
2 their attorneys, to the respondent's guardian ad litem, and to  
3 such other persons as the court may direct.

4 (Source: P.A. 98-1094, eff. 1-1-15.)

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.