



Rep. Daniel Didech

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10100HB4050ham002

LRB101 12906 LNS 70064 a

1 AMENDMENT TO HOUSE BILL 4050

2 AMENDMENT NO. _____. Amend House Bill 4050 by replacing
3 everything after the enacting clause with the following:

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

1 months of the date of the filing of the petition, or, in the
2 case of an intellectual disability, a psychological evaluation
3 that has been performed within one year of the date of the
4 filing of the petition; (3) an opinion as to whether
5 guardianship is needed, the type and scope of the guardianship
6 needed, and the reasons therefor; (4) a recommendation as to
7 the most suitable living arrangement and, where appropriate,
8 treatment or habilitation plan for the respondent and the
9 reasons therefor; (5) the name, business address, business
10 telephone number, and signatures of all persons who performed
11 the evaluations upon which the report is based, one of whom
12 shall be a licensed physician, or, if intellectual disability
13 forms the basis of the petition for the appointment of a
14 guardian, a licensed clinical psychologist, and a statement of
15 the certification, license, or other credentials that qualify
16 the evaluators who prepared the report.

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

21 (b-5) Upon oral or written motion by the respondent or the
22 guardian ad litem or upon the court's own motion, the court
23 shall appoint one or more independent experts to examine the
24 respondent. Upon the filing with the court of a verified
25 statement of services rendered by the expert or experts, the
26 court shall determine a reasonable fee for the services

1 performed. If the respondent is unable to pay the fee, the
2 court may enter an order upon the petitioner to pay the entire
3 fee or such amount as the respondent is unable to pay. However,
4 in cases where the Office of State Guardian is the petitioner,
5 consistent with Section 30 of the Guardianship and Advocacy
6 Act, no expert services fees shall be assessed against the
7 Office of the State Guardian.

8 (c) Unless the court otherwise directs, any report prepared
9 pursuant to this Section shall not be made part of the public
10 record of the proceedings but shall be available to the court
11 or an appellate court in which the proceedings are subject to
12 review, to the respondent, the petitioner, the guardian, and
13 their attorneys, to the respondent's guardian ad litem, and to
14 such other persons as the court may direct.

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