



Rep. Daniel Didech

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10100HB4050ham003

LRB101 12906 LNS 71331 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 Sections 11a-1 and 11a-9 as follows:

6 (755 ILCS 5/11a-1) (from Ch. 110 1/2, par. 11a-1)

7 Sec. 11a-1. Definitions. ~~Developmental disability~~
8 ~~defined.)~~ As used in this Act:

9 "Developmental disability" means a disability that is
10 attributable to an intellectual disability or a related
11 condition.

12 "Intellectual disability" means significantly subaverage
13 general intellectual functioning existing concurrently with
14 deficits in adaptive behavior and manifested before the age of
15 22 years.

16 "Related condition" means a condition that:

1 (1) is attributable to cerebral palsy, epilepsy, or any
2 other condition, other than mental illness, found to be
3 closely related to an intellectual disability because that
4 condition results in impairment of general intellectual
5 functioning or adaptive behavior similar to that of
6 individuals with an intellectual disability, and requires
7 treatment or services similar to those required for those
8 individuals. For purposes of this Act, autism is considered
9 a related condition;

10 (2) is manifested before the individual reaches age 22;

11 (3) is likely to continue indefinitely; and

12 (4) results in substantial functional limitation in 3
13 or more of the following areas of major life activity:
14 self-care, language, learning, mobility, self-direction,
15 and capacity for independent living. "Developmental
16 disability" means a disability which is attributable to:
17 ~~(a) an intellectual disability, cerebral palsy, epilepsy~~
18 ~~or autism; or to (b) any other condition which results in~~
19 ~~impairment similar to that caused by an intellectual~~
20 ~~disability and which requires services similar to those~~
21 ~~required by persons with intellectual disabilities. Such~~
22 ~~disability must originate before the age of 18 years, be~~
23 ~~expected to continue indefinitely, and constitute a~~
24 ~~substantial disability.~~

25 (Source: P.A. 99-143, eff. 7-27-15.)

1 (755 ILCS 5/11a-9) (from Ch. 110 1/2, par. 11a-9)

2 Sec. 11a-9. Report.)

3 (a) The petition for adjudication of disability and for
4 appointment of a guardian should be accompanied by a report
5 which contains (1) a description of the nature and type of the
6 respondent's disability and an assessment of how the disability
7 impacts on the ability of the respondent to make decisions or
8 to function independently; (2) an analysis and results of
9 evaluations of the respondent's mental and physical condition
10 and, where appropriate, educational condition, adaptive
11 behavior and social skills, which have been performed within 3
12 months of the date of the filing of the petition, or, in the
13 case of an intellectual disability, a psychological evaluation
14 of the respondent that has been performed by a clinical
15 psychologist licensed under the Clinical Psychologist
16 Licensing Act, within one year of the date of the filing of the
17 petition; (3) an opinion as to whether guardianship is needed,
18 the type and scope of the guardianship needed, and the reasons
19 therefor; (4) a recommendation as to the most suitable living
20 arrangement and, where appropriate, treatment or habilitation
21 plan for the respondent and the reasons therefor; (5) the name,
22 business address, business telephone number, and signatures of
23 all persons who performed the evaluations upon which the report
24 is based, one of whom shall be a licensed physician, or may, in
25 the case of the an intellectual disability, be a clinical
26 psychologist licensed under the Clinical Psychologist

1 Licensing Act, and a statement of the certification, license,
2 or other credentials that qualify the evaluators who prepared
3 the report.

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

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

21 (c) Unless the court otherwise directs, any report prepared
22 pursuant to this Section shall not be made part of the public
23 record of the proceedings but shall be available to the court
24 or an appellate court in which the proceedings are subject to
25 review, to the respondent, the petitioner, the guardian, and
26 their attorneys, to the respondent's guardian ad litem, and to

1 such other persons as the court may direct.

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