**Section 125.90 Competency**

a) A recipient age 18 or over is presumed legally competent. A recipient is considered incompetent upon the filing of a petition with the court where the court adjudges a recipient to be a disabled person. At the time of the hearing a guardian may be appointed. (See Sections 11a-2 and 11a-3 of the Probate Act of 1975 [755 ILCS 5/11a-2 and 11a-3])

b) Guardianship is ordered only to the extent necessitated by the recipient's actual mental, physical and adaptive limitations.

c) A guardian may be appointed for a recipient, if, because of disability, there is a lack of sufficient understanding or capacity to make or communicate responsible decisions concerning personal care. A guardian may be appointed for the estate of a disabled recipient, if, because of disability, the recipient is unable to manage an estate or financial affairs.

d) The appointment of a limited guardian does not constitute a finding of legal incompetence. The appointment of a plenary guardian constitutes a finding of legal incompetence (see Section 11a-14 of the Probate Act of 1975 [755 ILCS 5/11a-14]).

e) The Code does not require the appointment of a guardian prior to discharge.