**Section 301.50 Collection of Fees**

a) Pay Collection and Liability for Payment – In General. Office of State Guardian shall take reasonable steps to collect fees from parties holding estate funds when fees have been assessed. Liability for fee payment shall be limited to the ward's estate.

b) Collection of Case Opening Fees. Case opening fees shall be collected by OSG upon the entry of the court's order approving its petition for fees.

c) Collection of Monthly Guardianship Fees. Monthly fees shall be collected by OSG on a regular basis at the time the fees are assessed, after entry of an order appointing OSG but only when prior court approval has been obtained to collect the fee on an ongoing basis. The petition for court approval will be filed at the earliest reasonable opportunity.

d) Collection of Monthly Representative Payee Fees. In all cases which OSG serves as representative payee under programs administered by the Social Security Administration, the Railroad Retirement Board, or similar programs, or serves as protective payee for the receipt of private pension funds, the fee for providing representative payee services shall be in accordance with Social Security Administration and Railroad Retirement Board regulations.

e) Collection of Fees For Guardianship Petitioning. Fees for guardianship petitioning shall be collected after the entry of the order appointing the guardian or other final disposition of the petition, or at the time of the next or final accounting.

f) Collection of Fees for Management of Property. Fees for the management of a ward's real property shall be incurred at the time of the next or final account.

g) Collection of Fees for the Sale of Property. Fees for the sale of a ward's real or personal property shall be collected after the sale is completed.

h) Collection of Fees for Preparation and Filing of State or Federal Income Tax Returns. Fees for the preparation and filing of a ward's State or federal income tax return shall be assessed at the time of filing of the tax return, for each tax year in which a return is filed, and collected after the tax return is prepared and court approval has been obtained to collect the fee. Court approval should be obtained at the earliest reasonable opportunity.

i) Collection of Fees for the Settlement of a Personal Injury Cause of Action. Fees for the settlement of a ward's personal injury cause of action shall be collected at the time of the approval of the settlement by the probate court.

j) Collection of Fees for the Establishment of a Recognized Trust for the Purpose of Protecting or Conserving the Ward's Financial Estate. Fees for establishing a recognized trust for the purpose of conserving a ward's guardianship estate or protecting the ward's assets, and for petitioning the court for the approval of the trust, shall be collected at the time of the approval of the establishment of the trust by the probate court.

k) Collection – Hardship and Waiver. No fees shall be collected if financial hardship to the ward would result. OSG may waive or reduce fees assessed if the costs of collection would far exceed the fees due.

l) Collection – Impact on Creditors. OSG may collect fees even when claims of creditors of the ward may be compromised, so long as no financial hardship to the ward or the ward's dependents would result.

(Source: Amended at 44 Ill. Reg. 11800, effective June 30, 2020)