

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 Guardianship and Advocacy Act is amended by
5 adding Section 33.5 as follows:

6 (20 ILCS 3955/33.5 new)

7 Sec. 33.5. Guardianship training program. The State
8 Guardian shall provide a training program that outlines the
9 duties and responsibilities of guardians appointed under
10 Article XIa of the Probate Act of 1975. The training program
11 shall be offered to courts at no cost, and shall outline the
12 responsibilities of a guardian and the rights of a person with
13 a disability in a guardianship proceeding under Article XIa of
14 the Probate Act of 1975. In developing the training program
15 content, the State Guardian shall consult with the courts,
16 State and national guardianship organizations, public
17 guardians, advocacy organizations, and persons and family
18 members with direct experience with adult guardianship. In the
19 preparation and dissemination of training materials, the State
20 Guardian shall give due consideration to making the training
21 materials accessible to persons with disabilities.

22 Section 10. The Probate Act of 1975 is amended by changing

1 Sections 11a-12, 11a-21, 13-1, and 13-1.2 as follows:

2 (755 ILCS 5/11a-12) (from Ch. 110 1/2, par. 11a-12)

3 Sec. 11a-12. Order of appointment.)

4 (a) If basis for the appointment of a guardian as specified
5 in Section 11a-3 is not found, the court shall dismiss the
6 petition.

7 (b) If the respondent is adjudged to be a person with a
8 disability and to lack some but not all of the capacity as
9 specified in Section 11a-3, and if the court finds that
10 guardianship is necessary for the protection of the person with
11 a disability, his or her estate, or both, the court shall
12 appoint a limited guardian for the respondent's person or
13 estate or both. The court shall enter a written order stating
14 the factual basis for its findings and specifying the duties
15 and powers of the guardian and the legal disabilities to which
16 the respondent is subject.

17 (c) If the respondent is adjudged to be a person with a
18 disability and to be totally without capacity as specified in
19 Section 11a-3, and if the court finds that limited guardianship
20 will not provide sufficient protection for the person with a
21 disability, his or her estate, or both, the court shall appoint
22 a plenary guardian for the respondent's person or estate or
23 both. The court shall enter a written order stating the factual
24 basis for its findings.

25 (d) The selection of the guardian shall be in the

1 discretion of the court, which shall give due consideration to
2 the preference of the person with a disability as to a
3 guardian, as well as the qualifications of the proposed
4 guardian, in making its appointment. However, the paramount
5 concern in the selection of the guardian is the best interest
6 and well-being of the person with a disability.

7 (e) The order of appointment of a guardian of the person in
8 any county with a population of less than 3 million shall
9 include the requirement that the guardian of the person
10 complete the training program as provided in Section 33.5 of
11 the Guardianship and Advocacy Act that outlines the
12 responsibilities of the guardian of the person and the rights
13 of the person under guardianship and file with the court a
14 certificate of completion one year from the date of issuance of
15 the letters of guardianship, except that: (1) the chief judge
16 of any circuit may order implementation of another training
17 program by a suitable provider containing substantially
18 similar content; (2) employees of the Office of the State
19 Guardian, public guardians, attorneys currently authorized to
20 practice law, corporate fiduciaries, and persons certified by
21 the Center for Guardianship Certification are exempt from this
22 training requirement; and (3) the court may, for good cause
23 shown, exempt from this requirement an individual not otherwise
24 listed in item (2). For the purposes of this subsection (e),
25 good cause may be proven by affidavit. If the court finds good
26 cause to exempt an individual from the training requirement,

1 the order of appointment shall so state.

2 (Source: P.A. 98-1094, eff. 1-1-15; 99-143, eff. 7-27-15.)

3 (755 ILCS 5/11a-21) (from Ch. 110 1/2, par. 11a-21)

4 Sec. 11a-21. Hearing. (a) The court shall conduct a hearing
5 on a petition filed under Section 11a-20. The ward is entitled
6 to be represented by counsel, to demand a jury of 6 persons, to
7 present evidence and to confront and cross-examine all
8 witnesses. The court (1) may appoint counsel for the ward, if
9 the court finds that the interests of the ward will be best
10 served by the appointment and (2) shall appoint counsel upon
11 the ward's request or if the respondent takes a position
12 adverse to that of the guardian ad litem. The court may allow
13 the guardian ad litem and counsel for the ward reasonable
14 compensation.

15 (b) If the ward is unable to pay the fee of the guardian ad
16 litem or appointed counsel, or both, the court shall enter an
17 order upon the State to pay, from funds appropriated by the
18 General Assembly for that purpose, all such fees or such
19 amounts as the ward is unable to pay.

20 (c) Upon conclusion of the hearing, the court shall enter
21 an order setting forth the factual basis for its findings and
22 may: (1) dismiss the petition; (2) terminate the adjudication
23 of disability; (3) revoke the letters of guardianship of the
24 estate or person, or both; (4) modify the duties of the
25 guardian; ~~and~~ (5) require the guardian to complete a training

1 program as provided in subsection (e) of Section 11a-12 of this
2 Act; and (6) make any other order which the court deems
3 appropriate and in the interests of the ward.

4 (Source: P.A. 81-1509.)

5 (755 ILCS 5/13-1) (from Ch. 110 1/2, par. 13-1)

6 Sec. 13-1. Appointment and term of public administrator and
7 public guardian.) Except as provided in Section 13-1.1, before
8 the first Monday of December, 1977 and every 4 years
9 thereafter, and as often as vacancies occur, the Governor, by
10 and with the advice and consent of the Senate, shall appoint in
11 each county a suitable person to serve as public administrator
12 and a suitable person to serve as public guardian of the
13 county. The Governor may designate, without the advice and
14 consent of the Senate, the Office of State Guardian as an
15 interim public guardian to fill a vacancy in one or more
16 counties having a population of 500,000 or less if the
17 designation:

18 (1) is specifically designated as an interim
19 appointment for a term of the lesser of one year or until
20 the Governor appoints, with the advice and consent of the
21 Senate, a county public guardian to fill the vacancy;

22 (2) requires the Office of State Guardian to affirm its
23 availability to act in the county; and

24 (3) expires in a pending case of a person with a
25 disability in the county at such a time as the court

1 appoints a qualified successor guardian of the estate and
2 person for the person with a disability.

3 When appointed as an interim public guardian, the State
4 Guardian will perform the powers and duties assigned under the
5 Guardianship and Advocacy Act.

6 The Governor may appoint the same person to serve as public
7 guardian and public administrator in one or more counties. In
8 considering the number of counties of service for any
9 prospective public guardian or public administrator the
10 Governor may consider the population of the county and the
11 ability of the prospective public guardian or public
12 administrator to travel to multiple counties and manage estates
13 in multiple counties. Each person so appointed holds his office
14 for 4 years from the first Monday of December, 1977 and every 4
15 years thereafter or until his successor is appointed and
16 qualified.

17 (Source: P.A. 96-752, eff. 1-1-10.)

18 (755 ILCS 5/13-1.2)

19 Sec. 13-1.2. Certification requirement. Each person
20 appointed as a public guardian by the Governor shall be
21 certified as a National Certified Guardian by the Center for
22 Guardianship Certification within 6 months after his or her
23 appointment. The Guardianship and Advocacy Commission shall
24 provide public guardians with information about certification
25 requirements and procedures for testing and certification

1 offered by ~~professional training opportunities and facilitate~~
2 ~~testing and certification opportunities at locations in~~
3 ~~Springfield and Chicago with~~ the Center for Guardianship
4 Certification. The cost of certification shall be considered an
5 expense connected with the operation of the public guardian's
6 office within the meaning of subsection (b) of Section 13-3.1
7 of this Article.

8 (Source: P.A. 96-752, eff. 1-1-10.)

9 Section 99. Effective date. This Act takes effect one year
10 after becoming law.