

# HB4686



## 100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

**HB4686**

by Rep. Thomas M. Bennett

### SYNOPSIS AS INTRODUCED:

755 ILCS 5/11a-5

from Ch. 110 1/2, par. 11a-5

Amends the Guardians For Adults With Disabilities Article of the Probate Act of 1975. Provides that the court shall not appoint as guardian an employee of an agency that is directly providing residential services to the ward.

LRB100 17473 HEP 32642 b

A BILL FOR

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 Probate Act of 1975 is amended by changing  
5 Section 11a-5 as follows:

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

7 Sec. 11a-5. Who may act as guardian.

8 (a) A person is qualified to act as guardian of the person  
9 and as guardian of the estate of a person with a disability if  
10 the court finds that the proposed guardian is capable of  
11 providing an active and suitable program of guardianship for  
12 the person with a disability and that the proposed guardian:

13 (1) has attained the age of 18 years;

14 (2) is a resident of the United States;

15 (3) is not of unsound mind;

16 (4) is not an adjudged person with a disability as  
17 defined in this Act; and

18 (5) has not been convicted of a felony, unless the  
19 court finds appointment of the person convicted of a felony  
20 to be in the best interests of the person with a  
21 disability, and as part of the best interest determination,  
22 the court has considered the nature of the offense, the  
23 date of offense, and the evidence of the proposed

1 guardian's rehabilitation. No person shall be appointed  
2 who has been convicted of a felony involving harm or threat  
3 to a minor or an elderly person or a person with a  
4 disability, including a felony sexual offense.

5 (b) Any public agency, or not-for-profit corporation found  
6 capable by the court of providing an active and suitable  
7 program of guardianship for the person with a disability,  
8 taking into consideration the nature of such person's  
9 disability and the nature of such organization's services, may  
10 be appointed guardian of the person or of the estate, or both,  
11 of the person with a disability. The court shall not appoint as  
12 guardian an agency or employee of an agency that ~~which~~ is  
13 directly providing residential services to the ward. One person  
14 or agency may be appointed guardian of the person and another  
15 person or agency appointed guardian of the estate.

16 (c) Any corporation qualified to accept and execute trusts  
17 in this State may be appointed guardian of the estate of a  
18 person with a disability.

19 (Source: P.A. 98-120, eff. 1-1-14; 99-143, eff. 7-27-15.)