



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB4307

Introduced 1/28/2020, by Rep. Terra Costa Howard

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Probate Act of 1975. Provides that, in a case regarding temporary guardianship, if no limited or plenary guardian has been appointed in a case regarding temporary guardianship, the court may grant an extension up to an additional 60 days or until a limited or plenary guardian has been appointed. Provides that the court may appoint separate individuals or entities or co-guardians to act as the guardian of the person and the guardian of the estate of a person with a disability under certain circumstances. Provides that a guardian is entitled to reasonable and appropriate fees, if certain conditions are met. Provides that fees awarded to a guardian shall be considered as a first-class claim for administrative expenses and paid from the guardianship estate from the decedent's estate. Adds procedures regarding the succession of a new Public Guardian. Makes formatting changes in Sections concerning: definitions; statutory forms; short-term guardians; preliminary hearings; domestic violence orders of protection; sterilization of the ward; and notice of rights of the ward. Changes references to "best interest" to "best interests". Amends the Illinois Power of Attorney Act. Provides that if an agent seeks guardianship of the principal, the petition for guardianship must delineate the specific powers to be granted to the guardian that are not already included in the power of attorney.

LRB101 16161 LNS 65529 b

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 Sections 11a-1, 11a-3, 11a-3.1, 11a-3.2, 11a-4, 11a-5, 11a-8,  
6 11a-10, 11a-10.1, 11a-12, 11a-17, 11a-17.1, 11a-18, 11a-18.3,  
7 11a-19, 11a-20, 13-1, 18-10, 19-2, 25-4, and 27-1 and by adding  
8 Section 11a-13.5 as follows:

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

10 Sec. 11a-1. "Developmental disability" defined.†  
11 "Developmental disability" means a disability which is  
12 attributable to: (a) an intellectual disability, cerebral  
13 palsy, epilepsy or autism; or to (b) any other condition which  
14 results in impairment similar to that caused by an intellectual  
15 disability and which requires services similar to those  
16 required by persons with intellectual disabilities. Such  
17 disability must originate before the age of 18 years, be  
18 expected to continue indefinitely, and constitute a  
19 substantial disability.

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

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

22 Sec. 11a-3. Adjudication of disability; Power to appoint

1 guardian.

2 (a) Upon the filing of a petition by a reputable person or  
3 by the alleged person with a disability himself or on its own  
4 motion, the court may adjudge a person to be a person with a  
5 disability, but only if it has been demonstrated by clear and  
6 convincing evidence that the person is a person with a  
7 disability as defined in Section 11a-2. If the court adjudges a  
8 person to be a person with a disability, the court may appoint  
9 (1) a guardian of his person, if it has been demonstrated by  
10 clear and convincing evidence that because of his disability he  
11 lacks sufficient understanding or capacity to make or  
12 communicate responsible decisions concerning the care of his  
13 person, or (2) a guardian of his estate, if it has been  
14 demonstrated by clear and convincing evidence that because of  
15 his disability he is unable to manage his estate or financial  
16 affairs, or (3) a guardian of his person and of his estate. The  
17 court may appoint co-guardians in accordance with Section  
18 11a-15.

19 (b) Guardianship shall be utilized only as is necessary to  
20 promote the well-being of the person with a disability, to  
21 protect him from neglect, exploitation, or abuse, and to  
22 encourage development of his maximum self-reliance and  
23 independence. Guardianship shall be ordered only to the extent  
24 necessitated by the individual's actual mental, physical and  
25 adaptive limitations. The order shall conform with Sections  
26 11a-12 and 11a-14.

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

2 (755 ILCS 5/11a-3.1)

3 Sec. 11a-3.1. Appointment of standby guardian.

4 (a) The guardian of a person with a disability may  
5 designate in any writing, including a will, a person qualified  
6 to act under Section 11a-5 to be appointed as standby guardian  
7 of the person or estate, or both, of the person with a  
8 disability. The guardian may designate in any writing,  
9 including a will, a person qualified to act under Section 11a-5  
10 to be appointed as successor standby guardian of the person or  
11 estate of the person with a disability, or both. The  
12 designation must be witnessed by 2 or more credible witnesses  
13 at least 18 years of age, neither of whom is the person  
14 designated as the standby guardian. The designation may be  
15 proved by any competent evidence. If the designation is  
16 executed and attested in the same manner as a will, it shall  
17 have prima facie validity. Prior to designating a proposed  
18 standby guardian, the guardian shall consult with the person  
19 with a disability to determine the preference of the person  
20 with a disability as to the person who will serve as standby  
21 guardian. The guardian shall give due consideration to the  
22 preference of the person with a disability in selecting a  
23 standby guardian.

24 (b) Upon the filing of a petition for the appointment of a  
25 standby guardian, the court may appoint a standby guardian of

1 the person or estate, or both, of the person with a disability  
2 as the court finds to be in the best interests ~~interest~~ of the  
3 person with a disability. The court shall apply the same  
4 standards used in determining the suitability of a plenary or  
5 limited guardian in determining the suitability of a standby  
6 guardian, giving due consideration to the preference of the  
7 person with a disability as to a standby guardian. The court  
8 may not appoint the Office of State Guardian, pursuant to  
9 Section 30 of the Guardianship and Advocacy Act, or a public  
10 guardian, pursuant to Section 13-5 of this Act, as a standby  
11 guardian, without the written consent of the State Guardian or  
12 public guardian or an authorized representative of the State  
13 Guardian or public guardian.

14 (c) The standby guardian shall take and file an oath or  
15 affirmation that the standby guardian will faithfully  
16 discharge the duties of the office of standby guardian  
17 according to law, and shall file in and have approved by the  
18 court a bond binding the standby guardian so to do, but shall  
19 not be required to file a bond until the standby guardian  
20 assumes all duties as guardian of the person with a disability  
21 under Section 11a-18.2.

22 (d) The designation of a standby guardian may, but need  
23 not, be in the following form:

24 DESIGNATION OF STANDBY GUARDIAN

25 [IT IS IMPORTANT TO READ THE FOLLOWING INSTRUCTIONS:

26 A standby guardian is someone who has been appointed by

1 the court as the person who will act as guardian of the  
2 person with a disability when the guardian of the person  
3 with a disability dies or is no longer willing or able to  
4 make and carry out day-to-day care decisions concerning the  
5 person with a disability. By properly completing this form,  
6 a guardian is naming the person that the guardian wants to  
7 be appointed as the standby guardian of the person with a  
8 disability. Signing the form does not appoint the standby  
9 guardian; to be appointed, a petition must be filed in and  
10 approved by the court.]

11 1. Guardian and Ward. I, (insert name of designating  
12 guardian), currently residing at (insert address of  
13 designating guardian), am the guardian of the following  
14 person with a disability: (insert name of ward).

15 2. Standby Guardian. I hereby designate the following  
16 person to be appointed as standby guardian for my ward  
17 listed above: (insert name and address of person  
18 designated).

19 3. Successor Standby Guardian. If the person named in  
20 item 2 above cannot or will not act as standby guardian, I  
21 designate the following person to be appointed as successor  
22 standby guardian for my ward: (insert name and address of  
23 person designated).

24 4. Date and Signature. This designation is made this  
25 (insert day) day of (insert month and year).

26 Signed: (designating guardian)



1 date of the appointment. The written instrument shall be signed  
2 by, or at the direction of, the appointing guardian in the  
3 presence of at least 2 credible witnesses at least 18 years of  
4 age, neither of whom is the person appointed as the short-term  
5 guardian. The person appointed as the short-term guardian shall  
6 also sign the written instrument, but need not sign at the same  
7 time as the appointing guardian. A guardian may not appoint the  
8 Office of State Guardian or a public guardian as a short-term  
9 guardian, without the written consent of the State Guardian or  
10 public guardian or an authorized representative of the State  
11 Guardian or public guardian.

12 (b) The appointment of the short-term guardian is effective  
13 immediately upon the date the written instrument is executed,  
14 unless the written instrument provides for the appointment to  
15 become effective upon a later specified date or event. A  
16 short-term guardian appointed by the guardian shall have  
17 authority to act as guardian of the person with a disability  
18 for a cumulative total of 60 days during any 12-month ~~12-month~~  
19 period. Only one written instrument appointing a short-term  
20 guardian may be in force at any given time.

21 (c) Every appointment of a short-term guardian may be  
22 amended or revoked by the appointing guardian at any time and  
23 in any manner communicated to the short-term guardian or to any  
24 other person. Any person other than the short-term guardian to  
25 whom a revocation or amendment is communicated or delivered  
26 shall make all reasonable efforts to inform the short-term



1 guardian of that fact as promptly as possible.

2 (d) The appointment of a short-term guardian or successor  
3 short-term guardian does not affect the rights in the person  
4 with a disability of any guardian other than the appointing  
5 guardian.

6 (e) The written instrument appointing a short-term  
7 guardian may, but need not, be in the following form:

8 APPOINTMENT OF SHORT-TERM GUARDIAN

9 [IT IS IMPORTANT TO READ THE FOLLOWING INSTRUCTIONS:

10 By properly completing this form, a guardian is  
11 appointing a short-term guardian of the person with a  
12 disability for a cumulative total of up to 60 days during  
13 any 12-month ~~12-month~~ period. A separate form shall be  
14 completed each time a short-term guardian takes over  
15 guardianship duties. The person or persons appointed as the  
16 short-term guardian shall sign the form, but need not do so  
17 at the same time as the guardian.]

18 1. Guardian and Ward. I, (insert name of appointing  
19 guardian), currently residing at (insert address of  
20 appointing guardian), am the guardian of the following  
21 person with a disability: (insert name of ward).

22 2. Short-term Guardian. I hereby appoint the following  
23 person as the short-term guardian for my ward: (insert name  
24 and address of appointed person).

25 3. Effective date. This appointment becomes effective:

1 (check one if you wish it to be applicable)

2 ( ) On the date that I state in writing that I am no  
3 longer either willing or able to make and carry out  
4 day-to-day care decisions concerning my ward.

5 ( ) On the date that a physician familiar with my  
6 condition certifies in writing that I am no longer willing  
7 or able to make and carry out day-to-day care decisions  
8 concerning my ward.

9 ( ) On the date that I am admitted as an in-patient to  
10 a hospital or other health care institution.

11 ( ) On the following date: (insert date).

12 ( ) Other: (insert other).

13 [NOTE: If this item is not completed, the appointment  
14 is effective immediately upon the date the form is signed  
15 and dated below.]

16 4. Termination. This appointment shall terminate on:  
17 (enter a date corresponding to 60 days from the current  
18 date, less the number of days within the past 12 months  
19 that any short-term guardian has taken over guardianship  
20 duties), unless it terminates sooner as determined by the  
21 event or date I have indicated below: (check one if you  
22 wish it to be applicable)

23 ( ) On the date that I state in writing that I am  
24 willing and able to make and carry out day-to-day care  
25 decisions concerning my ward.

26 ( ) On the date that a physician familiar with my

1 condition certifies in writing that I am willing and able  
2 to make and carry out day-to-day care decisions concerning  
3 my ward.

4 ( ) On the date that I am discharged from the hospital  
5 or other health care institution where I was admitted as an  
6 in-patient, which established the effective date.

7 ( ) On the date which is (state a number of days) days  
8 after the effective date.

9 ( ) Other: (insert other).

10 [NOTE: If this item is not completed, the appointment  
11 will be effective until the 60th day within the past year  
12 during which time any short-term guardian of this ward had  
13 taken over guardianship duties from the guardian,  
14 beginning on the effective date.]

15 5. Date and signature of appointing guardian. This  
16 appointment is made this (insert day) day of (insert month  
17 and year).

18 Signed: (appointing guardian)

19 6. Witnesses. I saw the guardian sign this instrument  
20 or I saw the guardian direct someone to sign this  
21 instrument for the guardian. Then I signed this instrument  
22 as a witness in the presence of the guardian. I am not  
23 appointed in this instrument to act as the short-term  
24 guardian for the guardian's ward. (insert space for names,  
25 addresses, and signatures of 2 witnesses)

26 7. Acceptance of short-term guardian. I accept this

1 appointment as short-term guardian on this (insert day) day  
2 of (insert month and year).

3 Signed: (short-term guardian)

4 [END OF FORM].

5 (f) Each time the guardian appoints a short-term guardian,  
6 the guardian shall: (i) provide the person with a disability  
7 with the name, address, and telephone number of the short-term  
8 guardian; (ii) advise the person with a disability that he has  
9 the right to object to the appointment of the short-term  
10 guardian by filing a petition in court; and (iii) notify the  
11 person with a disability when the short-term guardian will be  
12 taking over guardianship duties and the length of time that the  
13 short-term guardian will be acting as guardian.

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

15 (755 ILCS 5/11a-4) (from Ch. 110 1/2, par. 11a-4)

16 Sec. 11a-4. Temporary guardian.

17 (a) Prior to the appointment of a guardian under this  
18 Article, pending an appeal in relation to the appointment, or  
19 pending the completion of a citation proceeding brought  
20 pursuant to Section 23-3 of this Act, or upon a guardian's  
21 death, incapacity, or resignation, the court may appoint a  
22 temporary guardian upon a showing of the necessity therefor for  
23 the immediate welfare and protection of the alleged person with  
24 a disability or his or her estate on such notice and subject to  
25 such conditions as the court may prescribe. In determining the

1 necessity for temporary guardianship, the immediate welfare  
2 and protection of the alleged person with a disability and his  
3 or her estate shall be of paramount concern, and the interests  
4 of the petitioner, any care provider, or any other party shall  
5 not outweigh the interests of the alleged person with a  
6 disability. The temporary guardian shall have the limited  
7 powers and duties of a guardian of the person or of the estate  
8 which are specifically enumerated by court order. The court  
9 order shall state the actual harm identified by the court that  
10 necessitates temporary guardianship or any extension thereof.

11 (b) The temporary guardianship shall expire within 60 days  
12 after the appointment or whenever a guardian is regularly  
13 appointed, whichever occurs first. No extension shall be  
14 granted except:

15 (1) In a case where there has been an adjudication of  
16 disability, an extension shall be granted:

17 (i) pending the disposition on appeal of an  
18 adjudication of disability;

19 (ii) pending the completion of a citation  
20 proceeding brought pursuant to Section 23-3;

21 (iii) pending the appointment of a successor  
22 guardian in a case where the former guardian has  
23 resigned, has become incapacitated, or is deceased; or

24 (iv) where the guardian's powers have been  
25 suspended pursuant to a court order.

26 (2) In a case where there has not been an adjudication

1 of disability, an extension shall be granted pending the  
2 disposition of a petition brought pursuant to Section 11a-8  
3 so long as the court finds it is in the best interests  
4 ~~interest~~ of the alleged person with a disability to extend  
5 the temporary guardianship so as to protect the alleged  
6 person with a disability from any potential abuse, neglect,  
7 self-neglect, exploitation, or other harm and such  
8 extension lasts no more than 120 days from the date the  
9 temporary guardian was originally appointed.

10 The ward shall have the right any time after the  
11 appointment of a temporary guardian is made to petition the  
12 court to revoke the appointment of the temporary guardian.

13 (Source: P.A. 99-70, eff. 1-1-16; 99-143, eff. 7-27-15; 99-642,  
14 eff. 7-28-16.)

15 (755 ILCS 5/11a-5) (from Ch. 110 1/2, par. 11a-5)

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

17 (a) A person is qualified to act as guardian of the person  
18 and as guardian of the estate of a person with a disability if  
19 the court finds that the proposed guardian is capable of  
20 providing an active and suitable program of guardianship for  
21 the person with a disability and that the proposed guardian:

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

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

24 (3) is not of unsound mind;

25 (4) is not an adjudged person with a disability as

1 defined in this Act; and

2 (5) has not been convicted of a felony, unless the  
3 court finds appointment of the person convicted of a felony  
4 to be in the best interests of the person with a  
5 disability, and as part of the best interests ~~interest~~  
6 determination, the court has considered the nature of the  
7 offense, the date of offense, and the evidence of the  
8 proposed guardian's rehabilitation. No person shall be  
9 appointed who has been convicted of a felony involving harm  
10 or threat to a minor or an elderly person or a person with  
11 a disability, including a felony sexual offense.

12 (b) Any public agency, or not-for-profit corporation found  
13 capable by the court of providing an active and suitable  
14 program of guardianship for the person with a disability,  
15 taking into consideration the nature of such person's  
16 disability and the nature of such organization's services, may  
17 be appointed guardian of the person or of the estate, or both,  
18 of the person with a disability. The court shall not appoint as  
19 guardian an agency or employee of an agency that is directly  
20 providing residential services to the ward. One person or  
21 agency may be appointed guardian of the person and another  
22 person or agency appointed guardian of the estate.

23 (b-5) (1) The court may appoint separate individuals or  
24 entities to act as the guardian of the person and the guardian  
25 of the estate of a person with a disability if the court finds  
26 it is in the best interests of the person with a disability

1 that separate guardians be appointed. The court shall not  
2 appoint a separate person or entity to act as guardian of the  
3 person or guardian of the estate with a public guardian or the  
4 Office of State Guardian unless the public guardian or the  
5 Office of State Guardian agrees to such appointment.

6 (2) The court may appoint co-guardians to act as guardian  
7 of the person, guardian of the estate, or both the guardian of  
8 the person and the guardian of the estate if the court finds it  
9 is in the best interests of the person with a disability. When  
10 considering appointing co-guardians, the court shall consider  
11 the proposed co-guardians' history of cooperating and working  
12 together on behalf of the person with a disability. The court  
13 shall appoint only co-guardians who agree to serve together.  
14 The court shall not appoint a public guardian or the Office of  
15 State Guardian as a co-guardian for a person with a disability.

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. 99-143, eff. 7-27-15; 100-756, eff. 1-1-19.)

20 (755 ILCS 5/11a-8) (from Ch. 110 1/2, par. 11a-8)

21 Sec. 11a-8. Petition. The petition for adjudication of  
22 disability and for the appointment of a guardian of the estate  
23 or the person or both of an alleged person with a disability  
24 must state, if known or reasonably ascertainable: (a) the  
25 relationship and interest of the petitioner to the respondent;



1 (b) the name, date of birth, and place of residence of the  
2 respondent; (c) the reasons for the guardianship; (d) the name  
3 and post office address of the respondent's guardian, if any,  
4 or of the respondent's agent or agents appointed under the  
5 Illinois Power of Attorney Act, if any; (e) the name and post  
6 office addresses of the nearest relatives of the respondent in  
7 the following order: (1) the spouse and adult children, parents  
8 and adult brothers and sisters, if any; if none, (2) nearest  
9 adult kindred known to the petitioner; (f) the name and address  
10 of the person with whom or the facility in which the respondent  
11 is residing; (g) the approximate value of the personal and real  
12 estate; (h) the amount of the anticipated annual gross income  
13 and other receipts; (i) the name, post office address and in  
14 case of an individual, the age, relationship to the respondent  
15 and occupation of the proposed guardian. In addition, if the  
16 petition seeks the appointment of a previously appointed  
17 standby guardian as guardian of the person with a disability,  
18 the petition must also state: (j) the facts concerning the  
19 standby guardian's previous appointment and (k) the date of  
20 death of the guardian of the person with a disability or the  
21 facts concerning the consent of the guardian of the person with  
22 a disability to the appointment of the standby guardian as  
23 guardian, or the willingness and ability of the guardian of the  
24 person with a disability to make and carry out day-to-day care  
25 decisions concerning the person with a disability. A petition  
26 for adjudication of disability and the appointment of a

1 guardian of the estate or the person or both of an alleged  
2 person with a disability may not be dismissed or withdrawn  
3 without leave of the court. A petitioner who seeks to revoke a  
4 power of attorney for the alleged person with a disability must  
5 do so in conformity with the Illinois Power of Attorney Act.

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

7 (755 ILCS 5/11a-10) (from Ch. 110 1/2, par. 11a-10)

8 Sec. 11a-10. Procedures preliminary to hearing.

9 (a) Upon the filing of a petition pursuant to Section  
10 11a-8, the court shall set a date and place for hearing to take  
11 place within 30 days. The court shall appoint a guardian ad  
12 litem to report to the court concerning the respondent's best  
13 interests consistent with the provisions of this Section,  
14 except that the appointment of a guardian ad litem shall not be  
15 required when the court determines that such appointment is not  
16 necessary for the protection of the respondent or a reasonably  
17 informed decision on the petition. If the guardian ad litem is  
18 not a licensed attorney, he or she shall be qualified, by  
19 training or experience, to work with or advocate for persons  
20 with developmental disabilities, the mentally ill, persons  
21 with physical disabilities, the elderly, or persons with a  
22 disability due to mental deterioration, depending on the type  
23 of disability that is alleged in the petition. The court may  
24 allow the guardian ad litem reasonable compensation. The  
25 guardian ad litem may consult with a person who by training or

1 experience is qualified to work with persons with a  
2 developmental disability, persons with mental illness, persons  
3 with physical disabilities, or persons with a disability due to  
4 mental deterioration, depending on the type of disability that  
5 is alleged. The guardian ad litem shall personally observe the  
6 respondent prior to the hearing and shall inform him orally and  
7 in writing of the contents of the petition and of his rights,  
8 including providing a copy of the notice of rights required  
9 under subsection (e) ~~under Section 11a-11~~. The guardian ad  
10 litem shall also attempt to elicit the respondent's position  
11 concerning the adjudication of disability, the proposed  
12 guardian, a proposed change in residential placement, changes  
13 in care that might result from the guardianship, and other  
14 areas of inquiry deemed appropriate by the court.  
15 Notwithstanding any provision in the Mental Health and  
16 Developmental Disabilities Confidentiality Act or any other  
17 law, a guardian ad litem shall have the right to inspect and  
18 copy any medical or mental health record of the respondent  
19 which the guardian ad litem deems necessary, provided that the  
20 information so disclosed shall not be utilized for any other  
21 purpose nor be redisclosed except in connection with the  
22 proceedings. At or before the hearing, the guardian ad litem  
23 shall file a written report detailing his or her observations  
24 of the respondent, the responses of the respondent to any of  
25 the inquiries detailed in this Section, the opinion of the  
26 guardian ad litem or other professionals with whom the guardian

1 ad litem consulted concerning the appropriateness of  
2 guardianship, and any other material issue discovered by the  
3 guardian ad litem. The guardian ad litem shall appear at the  
4 hearing and testify as to any issues presented in his or her  
5 report.

6 (b) The court (1) may appoint counsel for the respondent,  
7 if the court finds that the interests of the respondent will be  
8 best served by the appointment, and (2) shall appoint counsel  
9 upon respondent's request or if the respondent takes a position  
10 adverse to that of the guardian ad litem. The respondent shall  
11 be permitted to obtain the appointment of counsel either at the  
12 hearing or by any written or oral request communicated to the  
13 court prior to the hearing. The summons shall inform the  
14 respondent of this right to obtain appointed counsel. The court  
15 may allow counsel for the respondent reasonable compensation.

16 (c) If the respondent is unable to pay the fee of the  
17 guardian ad litem or appointed counsel, or both, the court may  
18 enter an order for the petitioner to pay all such fees or such  
19 amounts as the respondent or the respondent's estate may be  
20 unable to pay. However, in cases where the Office of State  
21 Guardian is the petitioner, consistent with Section 30 of the  
22 Guardianship and Advocacy Act, where the public guardian is the  
23 petitioner, consistent with Section 13-5 of this Act, where an  
24 adult protective services agency is the petitioner, pursuant to  
25 Section 9 of the Adult Protective Services Act, or where the  
26 Department of Children and Family Services is the petitioner

1 under subparagraph (d) of subsection (1) of Section 2-27 of the  
2 Juvenile Court Act of 1987, no guardian ad litem or legal fees  
3 shall be assessed against the Office of State Guardian, the  
4 public guardian, the adult protective services agency, or the  
5 Department of Children and Family Services.

6 (d) The hearing may be held at such convenient place as the  
7 court directs, including at a facility in which the respondent  
8 resides.

9 (e) Unless he is the petitioner, the respondent shall be  
10 personally served with a copy of the petition and a summons not  
11 less than 14 days before the hearing. The summons shall be  
12 printed in large, bold type and shall include the following  
13 ~~notice~~:

14 NOTICE OF RIGHTS OF RESPONDENT

15 You have been named as a respondent in a guardianship  
16 petition asking that you be declared a person with a  
17 disability. If the court grants the petition, a guardian will  
18 be appointed for you. A copy of the guardianship petition is  
19 attached for your convenience.

20 The date and time of the hearing are:

21 The place where the hearing will occur is:

22 The Judge's name and phone number is:

23 If a guardian is appointed for you, the guardian may be  
24 given the right to make all important personal decisions for  
25 you, such as where you may live, what medical treatment you may  
26 receive, what places you may visit, and who may visit you. A

1 guardian may also be given the right to control and manage your  
2 money and other property, including your home, if you own one.  
3 You may lose the right to make these decisions for yourself.

4 You have the following legal rights:

5 (1) You have the right to be present at the court  
6 hearing.

7 (2) You have the right to be represented by a lawyer,  
8 either one that you retain, or one appointed by the Judge.

9 (3) You have the right to ask for a jury of six persons  
10 to hear your case.

11 (4) You have the right to present evidence to the court  
12 and to confront and cross-examine witnesses.

13 (5) You have the right to ask the Judge to appoint an  
14 independent expert to examine you and give an opinion about  
15 your need for a guardian.

16 (6) You have the right to ask that the court hearing be  
17 closed to the public.

18 (7) You have the right to tell the court whom you  
19 prefer to have for your guardian.

20 You do not have to attend the court hearing if you do not  
21 want to be there. If you do not attend, the Judge may appoint a  
22 guardian if the Judge finds that a guardian would be of benefit  
23 to you. The hearing will not be postponed or canceled if you do  
24 not attend. If you are unable to attend the hearing in person  
25 or you will suffer harm if you attend, the Judge can decide to  
26 hold the hearing at a place that is convenient. The Judge can

1 also follow the rule of the Supreme Court of this State, or its  
2 local equivalent, and decide if a video conference is  
3 appropriate.

4 IT IS VERY IMPORTANT THAT YOU ATTEND THE HEARING IF YOU DO  
5 NOT WANT A GUARDIAN OR IF YOU WANT SOMEONE OTHER THAN THE  
6 PERSON NAMED IN THE GUARDIANSHIP PETITION TO BE YOUR GUARDIAN.  
7 IF YOU DO NOT WANT A GUARDIAN OR IF YOU HAVE ANY OTHER  
8 PROBLEMS, YOU SHOULD CONTACT AN ATTORNEY OR COME TO COURT AND  
9 TELL THE JUDGE.

10 Service of summons and the petition may be made by a  
11 private person 18 years of age or over who is not a party to the  
12 action.

13 [END OF FORM]

14 (f) Notice of the time and place of the hearing shall be  
15 given by the petitioner by mail or in person to those persons,  
16 including the proposed guardian, whose names and addresses  
17 appear in the petition and who do not waive notice, not less  
18 than 14 days before the hearing.

19 (Source: P.A. 99-143, eff. 7-27-15; 99-642, eff. 7-28-16;  
20 100-201, eff. 8-18-17; 100-427, eff. 1-1-18.)

21 (755 ILCS 5/11a-10.1) (from Ch. 110 1/2, par. 11a-10.1)

22 Sec. 11a-10.1. Domestic Violence: Order of Protection. An  
23 order of protection, as defined in the Illinois Domestic  
24 Violence Act of 1986, ~~as amended~~, may be issued in conjunction  
25 with a proceeding for adjudication of disability and

1 appointment of guardian if the petition for an order of  
2 protection alleges that a person who is party to or the subject  
3 of the proceeding has been abused by or has abused a family or  
4 household member or has been neglected or exploited as defined  
5 in the Illinois Domestic Violence Act of 1986,~~as amended.~~

6 If the subject of the order of protection is a high-risk  
7 adult with disabilities for whom a guardian has been appointed,  
8 the court may appoint a temporary substitute guardian under the  
9 provisions of this Act. The court shall appoint a temporary  
10 substitute guardian if the appointed guardian is named as a  
11 respondent in a petition for an order of protection under the  
12 Illinois Domestic Violence Act of 1986,~~as amended.~~ The  
13 Illinois Domestic Violence Act of 1986 shall govern the  
14 issuance, enforcement and recording of orders of protection  
15 issued under this Section.

16 (Source: P.A. 86-542.)

17 (755 ILCS 5/11a-12) (from Ch. 110 1/2, par. 11a-12)

18 Sec. 11a-12. Order of appointment.→

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

22 (b) If the respondent is adjudged to be a person with a  
23 disability and to lack some but not all of the capacity as  
24 specified in Section 11a-3, and if the court finds that  
25 guardianship is necessary for the protection of the person with



1 a disability, his or her estate, or both, the court shall  
2 appoint a limited guardian for the respondent's person or  
3 estate or both. The court shall enter a written order stating  
4 the factual basis for its findings and specifying the duties  
5 and powers of the guardian and the legal disabilities to which  
6 the respondent is subject.

7 (c) If the respondent is adjudged to be a person with a  
8 disability and to be totally without capacity as specified in  
9 Section 11a-3, and if the court finds that limited guardianship  
10 will not provide sufficient protection for the person with a  
11 disability, his or her estate, or both, the court shall appoint  
12 a plenary guardian for the respondent's person or estate or  
13 both. The court shall enter a written order stating the factual  
14 basis for its findings.

15 (d) The selection of the guardian shall be in the  
16 discretion of the court, which shall give due consideration to  
17 the preference of the person with a disability as to a  
18 guardian, as well as the qualifications of the proposed  
19 guardian, in making its appointment. However, the paramount  
20 concern in the selection of the guardian is the best interests  
21 ~~interest~~ and well-being of the person with a disability.

22 (e) The order of appointment of a guardian of the person in  
23 any county with a population of less than 3 million shall  
24 include the requirement that the guardian of the person  
25 complete the training program as provided in Section 33.5 of  
26 the Guardianship and Advocacy Act that outlines the

1 responsibilities of the guardian of the person and the rights  
2 of the person under guardianship and file with the court a  
3 certificate of completion one year from the date of issuance of  
4 the letters of guardianship, except that: (1) the chief judge  
5 of any circuit may order implementation of another training  
6 program by a suitable provider containing substantially  
7 similar content; (2) employees of the Office of the State  
8 Guardian, public guardians, attorneys currently authorized to  
9 practice law, corporate fiduciaries, and persons certified by  
10 the Center for Guardianship Certification are exempt from this  
11 training requirement; and (3) the court may, for good cause  
12 shown, exempt from this requirement an individual not otherwise  
13 listed in item (2). For the purposes of this subsection (e),  
14 good cause may be proven by affidavit. If the court finds good  
15 cause to exempt an individual from the training requirement,  
16 the order of appointment shall so state.

17 (Source: P.A. 99-143, eff. 7-27-15; 100-483, eff. 9-8-18.)

18 (755 ILCS 5/11a-13.5 new)

19 Sec. 11a-13.5. Guardian fees. A guardian is entitled to  
20 reasonable and appropriate compensation for services related  
21 to guardianship duties, but all fees must be reviewed and  
22 approved by the court pursuant to a fee petition. In  
23 considering the reasonableness of any fee petition brought by a  
24 guardian under this Section, the court shall consider the  
25 following:

1           (1) the powers and duties assigned to the guardian by  
2           the court;

3           (2) the necessity of any services provided;

4           (3) the time required, the degree of difficulty, and  
5           the experience needed to complete the task;

6           (4) the needs of the ward and the costs of  
7           alternatives; and

8           (5) other facts and circumstances material to the best  
9           interests of the ward or his or her estate.

10          Fees awarded under this Section shall be considered as a  
11          first-class claim for administrative expenses and paid from the  
12          guardianship estate or from the decedent's estate as set forth  
13          in Section 18-10.

14           (755 ILCS 5/11a-17) (from Ch. 110 1/2, par. 11a-17)

15           Sec. 11a-17. Duties of personal guardian.

16           (a) To the extent ordered by the court and under the  
17          direction of the court, the guardian of the person shall have  
18          custody of the ward and the ward's minor and adult dependent  
19          children and shall procure for them and shall make provision  
20          for their support, care, comfort, health, education and  
21          maintenance, and professional services as are appropriate, but  
22          the ward's spouse may not be deprived of the custody and  
23          education of the ward's minor and adult dependent children,  
24          without the consent of the spouse, unless the court finds that  
25          the spouse is not a fit and competent person to have that

1 custody and education. The guardian shall assist the ward in  
2 the development of maximum self-reliance and independence. The  
3 guardian of the person may petition the court for an order  
4 directing the guardian of the estate to pay an amount  
5 periodically for the provision of the services specified by the  
6 court order. If the ward's estate is insufficient to provide  
7 for education and the guardian of the ward's person fails to  
8 provide education, the court may award the custody of the ward  
9 to some other person for the purpose of providing education. If  
10 a person makes a settlement upon or provision for the support  
11 or education of a ward, the court may make an order for the  
12 visitation of the ward by the person making the settlement or  
13 provision as the court deems proper. A guardian of the person  
14 may not admit a ward to a mental health facility except at the  
15 ward's request as provided in Article IV of the Mental Health  
16 and Developmental Disabilities Code and unless the ward has the  
17 capacity to consent to such admission as provided in Article IV  
18 of the Mental Health and Developmental Disabilities Code.

19 (a-3) If a guardian of an estate has not been appointed,  
20 the guardian of the person may, without an order of court,  
21 open, maintain, and transfer funds to an ABLE account on behalf  
22 of the ward and the ward's minor and adult dependent children  
23 as specified under Section 16.6 of the State Treasurer Act.

24 (a-5) If the ward filed a petition for dissolution of  
25 marriage under the Illinois Marriage and Dissolution of  
26 Marriage Act before the ward was adjudicated a person with a

1 disability under this Article, the guardian of the ward's  
2 person and estate may maintain that action for dissolution of  
3 marriage on behalf of the ward. Upon petition by the guardian  
4 of the ward's person or estate, the court may authorize and  
5 direct a guardian of the ward's person or estate to file a  
6 petition for dissolution of marriage or to file a petition for  
7 legal separation or declaration of invalidity of marriage under  
8 the Illinois Marriage and Dissolution of Marriage Act on behalf  
9 of the ward if the court finds by clear and convincing evidence  
10 that the relief sought is in the ward's best interests. In  
11 making its determination, the court shall consider the  
12 standards set forth in subsection (e) of this Section.

13 (a-10) Upon petition by the guardian of the ward's person  
14 or estate, the court may authorize and direct a guardian of the  
15 ward's person or estate to consent, on behalf of the ward, to  
16 the ward's marriage pursuant to Part II of the Illinois  
17 Marriage and Dissolution of Marriage Act if the court finds by  
18 clear and convincing evidence that the marriage is in the  
19 ward's best interests. In making its determination, the court  
20 shall consider the standards set forth in subsection (e) of  
21 this Section. Upon presentation of a court order authorizing  
22 and directing a guardian of the ward's person and estate to  
23 consent to the ward's marriage, the county clerk shall accept  
24 the guardian's application, appearance, and signature on  
25 behalf of the ward for purposes of issuing a license to marry  
26 under Section 203 of the Illinois Marriage and Dissolution of

1 Marriage Act.

2 (b) If the court directs, the guardian of the person shall  
3 file with the court at intervals indicated by the court, a  
4 report that shall state briefly: (1) the current mental,  
5 physical, and social condition of the ward and the ward's minor  
6 and adult dependent children; (2) their present living  
7 arrangement, and a description and the address of every  
8 residence where they lived during the reporting period and the  
9 length of stay at each place; (3) a summary of the medical,  
10 educational, vocational, and other professional services given  
11 to them; (4) a resume of the guardian's visits with and  
12 activities on behalf of the ward and the ward's minor and adult  
13 dependent children; (5) a recommendation as to the need for  
14 continued guardianship; (6) any other information requested by  
15 the court or useful in the opinion of the guardian. The Office  
16 of the State Guardian shall assist the guardian in filing the  
17 report when requested by the guardian. The court may take such  
18 action as it deems appropriate pursuant to the report.

19 (c) Absent court order pursuant to the Illinois Power of  
20 Attorney Act directing a guardian to exercise powers of the  
21 principal under an agency that survives disability, the  
22 guardian has no power, duty, or liability with respect to any  
23 personal or health care matters covered by the agency. This  
24 subsection (c) applies to all agencies, whenever and wherever  
25 executed.

26 (d) A guardian acting as a surrogate decision maker under

1 the Health Care Surrogate Act shall have all the rights of a  
2 surrogate under that Act without court order including the  
3 right to make medical treatment decisions such as decisions to  
4 forgo or withdraw life-sustaining treatment. Any decisions by  
5 the guardian to forgo or withdraw life-sustaining treatment  
6 that are not authorized under the Health Care Surrogate Act  
7 shall require a court order. Nothing in this Section shall  
8 prevent an agent acting under a power of attorney for health  
9 care from exercising his or her authority under the Illinois  
10 Power of Attorney Act without further court order, unless a  
11 court has acted under Section 2-10 of the Illinois Power of  
12 Attorney Act. If a guardian is also a health care agent for the  
13 ward under a valid power of attorney for health care, the  
14 guardian acting as agent may execute his or her authority under  
15 that act without further court order.

16 (e) Decisions made by a guardian on behalf of a ward shall  
17 be made in accordance with the following standards for decision  
18 making. Decisions made by a guardian on behalf of a ward may be  
19 made by conforming as closely as possible to what the ward, if  
20 competent, would have done or intended under the circumstances,  
21 taking into account evidence that includes, but is not limited  
22 to, the ward's personal, philosophical, religious and moral  
23 beliefs, and ethical values relative to the decision to be made  
24 by the guardian. Where possible, the guardian shall determine  
25 how the ward would have made a decision based on the ward's  
26 previously expressed preferences, and make decisions in

1 accordance with the preferences of the ward. If the ward's  
2 wishes are unknown and remain unknown after reasonable efforts  
3 to discern them, the decision shall be made on the basis of the  
4 ward's best interests as determined by the guardian. In  
5 determining the ward's best interests, the guardian shall weigh  
6 the reason for and nature of the proposed action, the benefit  
7 or necessity of the action, the possible risks and other  
8 consequences of the proposed action, and any available  
9 alternatives and their risks, consequences and benefits, and  
10 shall take into account any other information, including the  
11 views of family and friends, that the guardian believes the  
12 ward would have considered if able to act for herself or  
13 himself.

14 (f) Upon petition by any interested person (including the  
15 standby or short-term guardian), with such notice to interested  
16 persons as the court directs and a finding by the court that it  
17 is in the best interests ~~interest~~ of the person with a  
18 disability, the court may terminate or limit the authority of a  
19 standby or short-term guardian or may enter such other orders  
20 as the court deems necessary to provide for the best interests  
21 ~~interest~~ of the person with a disability. The petition for  
22 termination or limitation of the authority of a standby or  
23 short-term guardian may, but need not, be combined with a  
24 petition to have another guardian appointed for the person with  
25 a disability.

26 (g) (1) Unless there is a court order to the contrary, the



1 guardian, consistent with the standards set forth in subsection  
2 (e) of this Section, shall use reasonable efforts to notify the  
3 ward's known adult children, who have requested notification  
4 and provided contact information, of the ward's admission to a  
5 hospital, ~~or~~ hospice or palliative care program, or the ward's  
6 death, and the arrangements for the disposition of the ward's  
7 remains.

8 (2) If a guardian unreasonably prevents an adult child,  
9 spouse, adult grandchild, parent, or adult sibling of the ward  
10 from visiting the ward, the court, upon a verified petition,  
11 may order the guardian to permit visitation between the ward  
12 and the adult child, spouse, adult grandchild, parent, or adult  
13 sibling. In making its determination, the court shall consider  
14 the standards set forth in subsection (e) of this Section. The  
15 court shall not allow visitation if the court finds that the  
16 ward has capacity to evaluate and communicate decisions  
17 regarding visitation and expresses a desire not to have  
18 visitation with the petitioner. This subsection (g) does not  
19 apply to duly appointed public guardians or the Office of State  
20 Guardian.

21 (Source: P.A. 100-1054, eff. 1-1-19; 101-329, eff. 8-9-19.)

22 (755 ILCS 5/11a-17.1)

23 Sec. 11a-17.1. Sterilization of ward.

24 (a) A guardian of the person shall not consent to the  
25 sterilization of the ward without first obtaining an order from

1 the court granting the guardian the authority to provide  
2 consent. For purposes of this Article XIa, "sterilization"  
3 means any procedure that has as its purpose rendering the ward  
4 permanently incapable of reproduction; provided, however, that  
5 an order from the court is not required for a procedure that is  
6 medically necessary to preserve the life of the ward or to  
7 prevent serious impairment to the health of the ward and which  
8 may result in sterilization.

9 (b) A guardian seeking authority to consent to the  
10 sterilization of the ward shall seek such authority by filing a  
11 verified motion. The verified motion shall allege facts which  
12 demonstrate that the proposed sterilization is warranted under  
13 subsection (f), (g) or (h) of this Section. The guardian ad  
14 litem will notify the ward of the motion in the manner set  
15 forth in subsection (c) of this Section.

16 (c) Upon the filing of a verified motion for authority to  
17 consent to sterilization, the court shall appoint a guardian ad  
18 litem to report to the court consistent with the provisions of  
19 this Section. If the guardian ad litem is not a licensed  
20 attorney, he or she shall be qualified, by training or  
21 experience, to work with or advocate for persons with a  
22 developmental disability, mental illness, physical disability,  
23 or disability because of mental deterioration, depending on the  
24 type of disability of the ward that is alleged in the motion.  
25 The court may allow the guardian ad litem reasonable  
26 compensation. The guardian ad litem may consult with a person

1 who by training or experience is qualified to work with persons  
2 with a developmental disability, mental illness, physical  
3 disability, or disability because of mental deterioration,  
4 depending on the type of disability of the ward that is  
5 alleged. The guardian ad litem may also consult with health  
6 care providers knowledgeable about reproductive health matters  
7 including sterilization, other forms of contraception, and  
8 childbirth. Outside the presence of the guardian, the guardian  
9 ad litem shall personally observe the ward prior to the hearing  
10 and shall inform the ward orally and in writing of the contents  
11 of the verified motion for authority to consent to  
12 sterilization. Outside the presence of the guardian, the  
13 guardian ad litem shall also attempt to elicit the ward's  
14 position concerning the motion, and any other areas of inquiry  
15 deemed appropriate by the court. At or before the hearing, the  
16 guardian ad litem shall file a written report detailing his or  
17 her observations of the ward; the responses of the ward to any  
18 of the inquiries detailed in this Section; the opinion of the  
19 guardian ad litem and any other professionals with whom the  
20 guardian ad litem consulted concerning the ward's  
21 understanding of and desire for or objection to, as well as  
22 what is in the ward's best interests ~~interest~~ relative to,  
23 sterilization, other forms of contraception, and childbirth;  
24 and any other material issue discovered by the guardian ad  
25 litem. The guardian ad litem shall appear at the hearing and  
26 testify, and may present witnesses, as to any issues presented

1 in his or her report.

2 (d) The court (1) may appoint counsel for the ward if the  
3 court finds that the interests of the ward will be best served  
4 by the appointment, and (2) shall appoint counsel upon the  
5 ward's request, if the ward is objecting to the proposed  
6 sterilization, or if the ward takes a position adverse to that  
7 of the guardian ad litem. The ward shall be permitted to obtain  
8 the appointment of counsel either at the hearing or by any  
9 written or oral request communicated to the court prior to the  
10 hearing. The court shall inform the ward of this right to  
11 obtain appointed counsel. The court may allow counsel for the  
12 ward reasonable compensation.

13 (e) The court shall order a medical and psychological  
14 evaluation of the ward. The evaluation shall address the ward's  
15 decision-making ~~decision-making~~ capacity with respect to the  
16 proposed sterilization, the existence of any less permanent  
17 alternatives, and any other material issue.

18 (f) The court shall determine, as a threshold inquiry,  
19 whether the ward has capacity to consent or withhold consent to  
20 the proposed sterilization and, if the ward lacks such  
21 capacity, whether the ward is likely to regain such capacity.  
22 The ward shall not be deemed to lack such capacity solely on  
23 the basis of the adjudication of disability and appointment of  
24 a guardian. In determining capacity, the court shall consider  
25 whether the ward is able, after being provided appropriate  
26 information, to understand the relationship between sexual

1 activity and reproduction; the consequences of reproduction;  
2 and the nature and consequences of the proposed sterilization  
3 procedure. If the court finds that (1) the ward has capacity to  
4 consent or withhold consent to the proposed sterilization, and  
5 (2) the ward objects or consents to the procedure, the court  
6 shall enter an order consistent with the ward's objection or  
7 consent and the proceedings on the verified motion shall be  
8 terminated.

9 (g) If the court finds that the ward does not have capacity  
10 to consent or withhold consent to the proposed sterilization  
11 and is unlikely to regain such capacity, the court shall  
12 determine whether the ward is expressing a clear desire for the  
13 proposed sterilization. If the ward is expressing a clear  
14 desire for the proposed sterilization, the court's decision  
15 regarding the proposed sterilization shall be made in  
16 accordance with the standards set forth in subsection (e) of  
17 Section 11a-17 of this Act.

18 (h) If the court finds that the ward does not have capacity  
19 to consent or withhold consent to the proposed sterilization  
20 and is unlikely to regain such capacity, and that the ward is  
21 not expressing a clear desire for the proposed sterilization,  
22 the court shall consider the standards set forth in subsection  
23 (e) of Section 11a-17 of this Act and enter written findings of  
24 fact and conclusions of law addressing those standards. In  
25 addition, the court shall not authorize the guardian to consent  
26 to the proposed sterilization unless the court finds, by clear

1 and convincing evidence and based on written findings of fact  
2 and conclusions of law, that all of the following factors are  
3 present:

4 (1) The ward lacks decisional capacity regarding the  
5 proposed sterilization.

6 (2) The ward is fertile and capable of procreation.

7 (3) The benefits to the ward of the proposed  
8 sterilization outweigh the harm.

9 (4) The court has considered less intrusive  
10 alternatives and found them to be inadequate in this case.

11 (5) The proposed sterilization is in the best interests  
12 ~~interest~~ of the ward. In considering the ward's best  
13 interests ~~interest~~, the court shall consider the following  
14 factors:

15 (A) The possibility that the ward will experience  
16 trauma or psychological damage if he or she has a child  
17 and, conversely, the possibility of trauma or  
18 psychological damage from the proposed sterilization.

19 (B) The ward is or is likely to become sexually  
20 active.

21 (C) The inability of the ward to understand  
22 reproduction or contraception and the likely  
23 permanence of that inability.

24 (D) Any other factors that assist the court in  
25 determining the best interests ~~interest~~ of the ward  
26 relative to the proposed sterilization.

1 (Source: P.A. 96-272, eff. 1-1-10.)

2 (755 ILCS 5/11a-18) (from Ch. 110 1/2, par. 11a-18)

3 Sec. 11a-18. Duties of the estate guardian.

4 (a) To the extent specified in the order establishing the  
5 guardianship, the guardian of the estate shall have the care,  
6 management and investment of the estate, shall manage the  
7 estate frugally and shall apply the income and principal of the  
8 estate so far as necessary for the comfort and suitable support  
9 and education of the ward, his minor and adult dependent  
10 children, and persons related by blood or marriage who are  
11 dependent upon or entitled to support from him, or for any  
12 other purpose which the court deems to be for the best  
13 interests of the ward, and the court may approve the making on  
14 behalf of the ward of such agreements as the court determines  
15 to be for the ward's best interests. The guardian may make  
16 disbursement of his ward's funds and estate directly to the  
17 ward or other distributee or in such other manner and in such  
18 amounts as the court directs. If the estate of a ward is  
19 derived in whole or in part from payments of compensation,  
20 adjusted compensation, pension, insurance or other similar  
21 benefits made directly to the estate by the Veterans  
22 Administration, notice of the application for leave to invest  
23 or expend the ward's funds or estate, together with a copy of  
24 the petition and proposed order, shall be given to the  
25 Veterans' Administration Regional Office in this State at least

1 7 days before the hearing on the application.

2 (a-5) The probate court, upon petition of a guardian, other  
3 than the guardian of a minor, and after notice to all other  
4 persons interested as the court directs, may authorize the  
5 guardian to exercise any or all powers over the estate and  
6 business affairs of the ward that the ward could exercise if  
7 present and not under disability. The court may authorize the  
8 taking of an action or the application of funds not required  
9 for the ward's current and future maintenance and support in  
10 any manner approved by the court as being in keeping with the  
11 ward's wishes so far as they can be ascertained. The court must  
12 consider the permanence of the ward's disabling condition and  
13 the natural objects of the ward's bounty. In ascertaining and  
14 carrying out the ward's wishes the court may consider, but  
15 shall not be limited to, minimization of State or federal  
16 income, estate, or inheritance taxes; and providing gifts to  
17 charities, relatives, and friends that would be likely  
18 recipients of donations from the ward. The ward's wishes as  
19 best they can be ascertained shall be carried out, whether or  
20 not tax savings are involved. Actions or applications of funds  
21 may include, but shall not be limited to, the following:

22 (1) making gifts of income or principal, or both, of  
23 the estate, either outright or in trust;

24 (2) conveying, releasing, or disclaiming his or her  
25 contingent and expectant interests in property, including  
26 marital property rights and any right of survivorship



1 incident to joint tenancy or tenancy by the entirety;

2 (3) releasing or disclaiming his or her powers as  
3 trustee, personal representative, custodian for minors, or  
4 guardian;

5 (4) exercising, releasing, or disclaiming his or her  
6 powers as donee of a power of appointment;

7 (5) entering into contracts;

8 (6) creating for the benefit of the ward or others,  
9 revocable or irrevocable trusts of his or her property that  
10 may extend beyond his or her disability or life;

11 (7) exercising options of the ward to purchase or  
12 exchange securities or other property;

13 (8) exercising the rights of the ward to elect benefit  
14 or payment options, to terminate, to change beneficiaries  
15 or ownership, to assign rights, to borrow, or to receive  
16 cash value in return for a surrender of rights under any  
17 one or more of the following:

18 (i) life insurance policies, plans, or benefits,

19 (ii) annuity policies, plans, or benefits,

20 (iii) mutual fund and other dividend investment  
21 plans,

22 (iv) retirement, profit sharing, and employee  
23 welfare plans and benefits;

24 (9) exercising his or her right to claim or disclaim an  
25 elective share in the estate of his or her deceased spouse  
26 and to renounce any interest by testate or intestate

1           succession or by inter vivos transfer;

2                 (10) changing the ward's residence or domicile; or

3                 (11) modifying by means of codicil or trust amendment  
4           the terms of the ward's will or any revocable trust created  
5           by the ward, as the court may consider advisable in light  
6           of changes in applicable tax laws.

7           The guardian in his or her petition shall briefly outline  
8           the action or application of funds for which he or she seeks  
9           approval, the results expected to be accomplished thereby, and  
10          the tax savings, if any, expected to accrue. The proposed  
11          action or application of funds may include gifts of the ward's  
12          personal property or real estate, but transfers of real estate  
13          shall be subject to the requirements of Section 20 of this Act.  
14          Gifts may be for the benefit of prospective legatees, devisees,  
15          or heirs apparent of the ward or may be made to individuals or  
16          charities in which the ward is believed to have an interest.  
17          The guardian shall also indicate in the petition that any  
18          planned disposition is consistent with the intentions of the  
19          ward insofar as they can be ascertained, and if the ward's  
20          intentions cannot be ascertained, the ward will be presumed to  
21          favor reduction in the incidents of various forms of taxation  
22          and the partial distribution of his or her estate as provided  
23          in this subsection. The guardian shall not, however, be  
24          required to include as a beneficiary or fiduciary any person  
25          who he has reason to believe would be excluded by the ward. A  
26          guardian shall be required to investigate and pursue a ward's

1 eligibility for governmental benefits.

2 (a-6) The guardian may, without an order of court, open,  
3 maintain, and transfer funds to an ABLE account on behalf of  
4 the ward and the ward's minor and adult dependent children as  
5 specified under Section 16.6 of the State Treasurer Act.

6 (b) Upon the direction of the court which issued his  
7 letters, a guardian may perform the contracts of his ward which  
8 were legally subsisting at the time of the commencement of the  
9 ward's disability. The court may authorize the guardian to  
10 execute and deliver any bill of sale, deed or other instrument.

11 (c) The guardian of the estate of a ward shall appear for  
12 and represent the ward in all legal proceedings unless another  
13 person is appointed for that purpose as guardian or next  
14 friend. This does not impair the power of any court to appoint  
15 a guardian ad litem or next friend to defend the interests of  
16 the ward in that court, or to appoint or allow any person as  
17 the next friend of a ward to commence, prosecute or defend any  
18 proceeding in his behalf. Without impairing the power of the  
19 court in any respect, if the guardian of the estate of a ward  
20 and another person as next friend shall appear for and  
21 represent the ward in a legal proceeding in which the  
22 compensation of the attorney or attorneys representing the  
23 guardian and next friend is solely determined under a  
24 contingent fee arrangement, the guardian of the estate of the  
25 ward shall not participate in or have any duty to review the  
26 prosecution of the action, to participate in or review the

1     appropriateness of any settlement of the action, or to  
2     participate in or review any determination of the  
3     appropriateness of any fees awarded to the attorney or  
4     attorneys employed in the prosecution of the action.

5           (d) Adjudication of disability shall not revoke or  
6     otherwise terminate a trust which is revocable by the ward. A  
7     guardian of the estate shall have no authority to revoke a  
8     trust that is revocable by the ward, except that the court may  
9     authorize a guardian to revoke a Totten trust or similar  
10    deposit or withdrawable capital account in trust to the extent  
11    necessary to provide funds for the purposes specified in  
12    paragraph (a) of this Section. If the trustee of any trust for  
13    the benefit of the ward has discretionary power to apply income  
14    or principal for the ward's benefit, the trustee shall not be  
15    required to distribute any of the income or principal to the  
16    guardian of the ward's estate, but the guardian may bring an  
17    action on behalf of the ward to compel the trustee to exercise  
18    the trustee's discretion or to seek relief from an abuse of  
19    discretion. This paragraph shall not limit the right of a  
20    guardian of the estate to receive accountings from the trustee  
21    on behalf of the ward.

22           (d-5) Upon a verified petition by the plenary or limited  
23    guardian of the estate or the request of the ward that is  
24    accompanied by a current physician's report that states the  
25    ward possesses testamentary capacity, the court may enter an  
26    order authorizing the ward to execute a will or codicil. In so

1 ordering, the court shall authorize the guardian to retain  
2 independent counsel for the ward with whom the ward may execute  
3 or modify a will or codicil.

4 (e) Absent court order pursuant to the Illinois Power of  
5 Attorney Act directing a guardian to exercise powers of the  
6 principal under an agency that survives disability, the  
7 guardian will have no power, duty or liability with respect to  
8 any property subject to the agency. This subsection (e) applies  
9 to all agencies, whenever and wherever executed.

10 (f) Upon petition by any interested person (including the  
11 standby or short-term guardian), with such notice to interested  
12 persons as the court directs and a finding by the court that it  
13 is in the best interests ~~interest~~ of the person with a  
14 disability, the court may terminate or limit the authority of a  
15 standby or short-term guardian or may enter such other orders  
16 as the court deems necessary to provide for the best interests  
17 ~~interest~~ of the person with a disability. The petition for  
18 termination or limitation of the authority of a standby or  
19 short-term guardian may, but need not, be combined with a  
20 petition to have another guardian appointed for the person with  
21 a disability.

22 (Source: P.A. 101-329, eff. 8-9-19.)

23 (755 ILCS 5/11a-18.3)

24 Sec. 11a-18.3. Duties of short-term guardian of a person  
25 with a disability.

1 (a) Immediately upon the effective date of the appointment  
2 of a short-term guardian, the short-term guardian shall assume  
3 all duties as short-term guardian of the person with a  
4 disability as provided in this Section. The short-term guardian  
5 of the person shall have authority to act as short-term  
6 guardian, without direction of the court, for the duration of  
7 the appointment, which in no case shall exceed a cumulative  
8 total of 60 days in any 12-month ~~12-month~~ period for all  
9 short-term guardians appointed by the guardian. The authority  
10 of the short-term guardian may be limited or terminated by a  
11 court of competent jurisdiction.

12 (b) Unless further specifically limited by the instrument  
13 appointing the short-term guardian, a short-term guardian  
14 shall have the authority to act as a guardian of the person of  
15 a person with a disability as prescribed in Section 11a-17, but  
16 shall not have any authority to act as guardian of the estate  
17 of a person with a disability, except that a short-term  
18 guardian shall have the authority to apply for and receive on  
19 behalf of the person with a disability benefits to which the  
20 person with a disability may be entitled from or under federal,  
21 State, or local organizations or programs.

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

23 (755 ILCS 5/11a-19) (from Ch. 110 1/2, par. 11a-19)

24 Sec. 11a-19. Notice of right to seek modification. At the  
25 time of the appointment of a guardian the court shall inform

1 the ward of his right under Section 11a-20 to petition for  
 2 termination of adjudication of disability, revocation of the  
 3 letters of guardianship of the estate or person, or both, or  
 4 modification of the duties of the guardian and shall give the  
 5 ward a written statement explaining this right and the  
 6 procedures for petitioning the court. The notice shall be in  
 7 large, ~~bold~~ type and shall be in a format substantially similar  
 8 to the following: ~~notice of rights required under subsection~~  
 9 ~~(c) of Section 11a-10 of this Act.~~

10 IN THE CIRCUIT COURT OF THE ... JUDICIAL CIRCUIT OF ILLINOIS

11 ... COUNTY

12 IN RE THE ESTATE OF )  
 13 )  
 14 ....., ) CASE NO. ....  
 15 a Person with a Disability, )

16 NOTICE TO WARD OF RIGHT TO SEEK MODIFICATION

17 [Insert name] was appointed your Guardian of the Person on  
 18 [insert date].

19 [Insert name] was appointed your Guardian of the Estate on  
 20 [insert date].

21 You have the right to ask the court to dismiss this  
 22 guardianship, to revoke the power of this guardian to act for  
 23 you, or to modify the duties of any such guardian.

24 You, or someone on your behalf, can make this request, even

1 by an informal letter, a telephone call, or a visit to the  
2 court. You should send your letter to the court at the  
3 following address; [insert name of judge and mailing address of  
4 courthouse].

5 The court may appoint a Guardian ad Litem to investigate  
6 and report to the court. You have the right to have a lawyer  
7 appointed for you, to have a hearing before the court, to have  
8 a jury of six persons decide the facts, to present evidence and  
9 tell your story, and to ask witnesses any questions in  
10 cross-examination.

11 Entered this.....day of....., 20....

12 .....

13 JUDGE

14 [..] At the time of the appointment of the Guardian in this  
15 cause, the court informed the ward of his or her rights under  
16 Section 11a-20 of the Illinois Probate Act and gave the ward,  
17 in open court, the above-written notice explaining these rights  
18 and procedures.

19 or

20 [..] The Clerk of the Circuit Court shall mail a copy of the  
21 above-written notice to the above-named person with a  
22 disability at the residence address set forth in the petition  
23 filed herein.



1 Copy Mailed: .....

2 .....

3 Clerk of the Circuit Court

4 [END OF FORM].

5 (Source: P.A. 89-396, eff. 8-20-95.)

6 (755 ILCS 5/11a-20) (from Ch. 110 1/2, par. 11a-20)

7 Sec. 11a-20. Termination of adjudication of disability -  
8 Revocation of letters - modification.†

9 (a) Except as provided in subsection (b-5), upon the filing  
10 of a petition by or on behalf of a person with a disability or  
11 on its own motion, the court may terminate the adjudication of  
12 disability of the ward, revoke the letters of guardianship of  
13 the estate or person, or both, or modify the duties of the  
14 guardian if the ward's capacity to perform the tasks necessary  
15 for the care of his person or the management of his estate has  
16 been demonstrated by clear and convincing evidence. A report or  
17 testimony by a licensed physician is not a prerequisite for  
18 termination, revocation or modification of a guardianship  
19 order under this subsection (a).

20 (b) Except as provided in subsection (b-5), a request by  
21 the ward or any other person on the ward's behalf, under this  
22 Section may be communicated to the court or judge by any means,

1 including but not limited to informal letter, telephone call or  
2 visit. Upon receipt of a request from the ward or another  
3 person, the court may appoint a guardian ad litem to  
4 investigate and report to the court concerning the allegations  
5 made in conjunction with said request, and if the ward wishes  
6 to terminate, revoke, or modify the guardianship order, to  
7 prepare the ward's petition and to render such other services  
8 as the court directs.

9 (b-5) Upon the filing of a verified petition by the  
10 guardian of the person with a disability or the person with a  
11 disability, the court may terminate the adjudication of  
12 disability of the ward, revoke the letters of guardianship of  
13 the estate or person, or both, or modify the duties of the  
14 guardian if: (i) a report completed in accordance with  
15 subsection (a) of Section 11a-9 states that the person with a  
16 disability is no longer in need of guardianship or that the  
17 type and scope of guardianship should be modified; (ii) the  
18 person with a disability no longer wishes to be under  
19 guardianship or desires that the type and scope of guardianship  
20 be modified; and (iii) the guardian of the person with a  
21 disability states that it is in the best interests ~~interest~~ of  
22 the person with a disability to terminate the adjudication of  
23 disability of the ward, revoke the letters of guardianship of  
24 the estate or person, or both, or modify the duties of the  
25 guardian, and provides the basis thereof. In a proceeding  
26 brought pursuant to this subsection (b-5), the court may

1 terminate the adjudication of disability of the ward, revoke  
2 the letters of guardianship of the estate or person, or both,  
3 or modify the duties of the guardian, unless it has been  
4 demonstrated by clear and convincing evidence that the ward is  
5 incapable of performing the tasks necessary for the care of his  
6 or her person or the management of his or her estate.

7 (c) Notice of the hearing on a petition under this Section,  
8 together with a copy of the petition, shall be given to the  
9 ward, unless he is the petitioner, and to each and every  
10 guardian to whom letters of guardianship have been issued and  
11 not revoked, not less than 14 days before the hearing.

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

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

14 Sec. 13-1. Appointment and term of public administrator and  
15 public guardian.→

16 (a) Except as provided in Section 13-1.1, before the first  
17 Monday of December, 1977 and every 4 years thereafter, and as  
18 often as vacancies occur, the Governor, by and with the advice  
19 and consent of the Senate, shall appoint in each county a  
20 suitable person to serve as public administrator and a suitable  
21 person to serve as public guardian of the county. The Governor  
22 may designate, without the advice and consent of the Senate,  
23 the Office of State Guardian as an interim public guardian to  
24 fill a vacancy in one or more counties having a population of  
25 500,000 or less if the designation:

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

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

7           (3) expires in a pending case of a person with a  
8 disability in the county at such a time as the court  
9 appoints a qualified successor guardian of the estate and  
10 person for the person with a disability.

11           When appointed as an interim public guardian, the State  
12 Guardian will perform the powers and duties assigned under the  
13 Guardianship and Advocacy Act.

14           The Governor may appoint the same person to serve as public  
15 guardian and public administrator in one or more counties. In  
16 considering the number of counties of service for any  
17 prospective public guardian or public administrator the  
18 Governor may consider the population of the county and the  
19 ability of the prospective public guardian or public  
20 administrator to travel to multiple counties and manage estates  
21 in multiple counties. Each person so appointed holds his office  
22 for 4 years from the first Monday of December, 1977 and every 4  
23 years thereafter or until his successor is appointed and  
24 qualified.

25           (b) Within 14 days of notification to the current public  
26 guardian of the appointment by the Governor of a new public

1 guardian pursuant to this Section, the outgoing public guardian  
2 shall provide the incoming successor public guardian with a  
3 list of current guardianships. Within 60 days of receipt of the  
4 list of guardianships, the incoming public guardian may  
5 petition the court for a transfer of a guardianship to the  
6 incoming public guardian. The transfer of a guardianship of the  
7 person, estate, or both shall be made if it is in the best  
8 interests of the ward as determined by the court on a  
9 case-by-case basis.

10 Factors for the court to consider include, but are not  
11 limited to, the following:

12 (1) the ward's preference as to the transfer of the  
13 guardianship;

14 (2) the recommendation of the guardian ad litem, the  
15 ward's family members, and other interested parties;

16 (3) the length of time in which the outgoing public  
17 guardian has served as guardian for the ward;

18 (4) the ward's relationship with the outgoing public  
19 guardian's office;

20 (5) the nature and extent of the ward's disabilities;

21 (6) the ward's current residential placement, his or  
22 her current support network, and ongoing needs;

23 (7) the costs involved in the transfer of the ward's  
24 estate;

25 (8) the status of pending legal matters or other  
26 matters germane to the ward's care or the management of the

1 ward's estate;

2 (9) the obligation to post bond and the cost thereof;

3 (10) the guardians' status with regard to  
4 certification by the Center for Guardianship  
5 Certification; and

6 (11) other good causes.

7 If the court approves a transfer to the incoming Public  
8 Guardian, the outgoing public guardian shall file a final  
9 account of his or her activities on behalf of the ward within  
10 30 days or within such other time that the court may allow. The  
11 outgoing public guardian may file a petition for final fees  
12 pursuant to subsection (b) of Section 13-3.1.

13 (Source: P.A. 100-483, eff. 9-8-18.)

14 (755 ILCS 5/18-10) (from Ch. 110 1/2, par. 18-10)

15 Sec. 18-10. Classification of claims against decedent's  
16 estate. All claims against the estate of a decedent are divided  
17 into classes in the manner following:

18 1st: Funeral and burial expenses, expenses of  
19 administration, fees awarded under Section 11a-13.5, 13-3,  
20 13-3.1, or 27-1, and statutory custodial claims. For the  
21 purposes of this paragraph, funeral and burial expenses paid by  
22 any person, including a surviving spouse, are funeral and  
23 burial expenses; and funeral and burial expenses include  
24 reasonable amounts paid for a burial space, crypt or niche, a  
25 marker on the burial space, care of the burial space, crypt or

1 niche, and interest on these amounts. Interest on these amounts  
2 shall accrue beginning 60 days after issuance of letters of  
3 office to the representative of the decedent's estate, or if no  
4 such letters of office are issued, then beginning 60 days after  
5 those amounts are due, up to the rate of 9% per annum as  
6 allowed by contract or law.

7 2nd: The surviving spouse's or child's award.

8 3rd: Debts due the United States.

9 4th: Reasonable and necessary medical, hospital, and  
10 nursing home expenses for the care of the decedent during the  
11 year immediately preceding death; and money due employees of  
12 the decedent of not more than \$800 for each claimant for  
13 services rendered within 4 months prior to the decedent's  
14 death.

15 5th: Money and property received or held in trust by  
16 decedent which cannot be identified or traced.

17 6th: Debts due this State and any county, township, city,  
18 town, village or school district located within this State.

19 7th: All other claims.

20 (Source: P.A. 100-1079, eff. 8-24-18.)

21 (755 ILCS 5/19-2) (from Ch. 110 1/2, par. 19-2)

22 Sec. 19-2. Lease, sale, mortgage or pledge of personal  
23 estate of ward.➤ By leave of court a representative may lease,  
24 sell, mortgage or pledge any personal estate of the ward, when  
25 in the opinion of the court it is for the best interests

1 ~~interest~~ of the ward or his estate.

2 (Source: P.A. 79-328.)

3 (755 ILCS 5/25-4) (from Ch. 110 1/2, par. 25-4)

4 Sec. 25-4. Sale of small real estate interest of ward.→ If  
5 the interest of a ward in any parcel of real estate does not  
6 exceed \$2,500 in value and a private sale thereof can be made  
7 for cash, the interest may be sold as provided in this Section  
8 instead of as prescribed elsewhere in this Act. The  
9 representative of the estate of the ward may file a petition  
10 setting forth: (a) the description of the real estate, the  
11 interest of the ward therein and the value of the interest  
12 sought to be sold; (b) the name and post office address of the  
13 ward; (c) a private sale of the ward's interest can be made for  
14 cash; and (d) it is for the best interests ~~interest~~ of the ward  
15 that his interest in the real estate be sold. Upon the filing  
16 of the petition the court shall set it for hearing not less  
17 than 20 days thereafter. Not less than 15 days before the date  
18 of hearing of the petition, the clerk of the court shall mail a  
19 notice of the time and place of the hearing to the ward. No  
20 guardian ad litem need be appointed for the ward unless the  
21 court finds it necessary for the ward's protection. If on the  
22 hearing the court finds that the ward's interest in the real  
23 estate to be sold does not exceed \$2,500 in value, a private  
24 sale of the ward's interest can be made for cash and it is for  
25 the best interests ~~interest~~ of the ward that the sale be made,



1 the court shall direct the petitioner to sell the ward's  
2 interest at private sale for cash for such price as the court  
3 determines and upon receipt of the purchase price to execute  
4 and deliver a deed to the purchaser. The court shall require  
5 the representative to furnish a bond conditioned upon his  
6 disposing of the proceeds of sale in the manner required by  
7 law, and with or without sureties and in such amount as the  
8 court directs; and it is the duty of the representative to file  
9 the bond in and have it approved by the court.

10 (Source: P.A. 79-328.)

11 (755 ILCS 5/27-1) (from Ch. 110 1/2, par. 27-1)

12 Sec. 27-1. Fees of representative. A representative is  
13 entitled to reasonable compensation for his services, but no  
14 fees, charges or other compensation may be allowed a public  
15 administrator for services performed in administering that  
16 part of the estate of any United States war veteran which  
17 consists of compensation, insurance or other monies due or  
18 payable from the United States because of the veteran's war  
19 service. No fees, charges or other compensation may be allowed  
20 an employee of the Department of Human Services or the  
21 Department of Children and Family Services designated under  
22 paragraph (b) of Section 11-3 for services as guardian of the  
23 estate of a patient or resident in a State mental health or  
24 developmental disabilities facility or other State  
25 institution. Fees awarded under this Section shall be

1 considered as a first-class claim for administrative expenses  
2 and paid from the guardianship estate or from the probate  
3 estate pursuant to Section 18-10. Fees awarded to guardians  
4 shall be consistent with Section 11a-13.5.

5 (Source: P.A. 89-507, eff. 7-1-97.)

6 Section 10. The Illinois Power of Attorney Act is amended  
7 by changing Section 2-10 as follows:

8 (755 ILCS 45/2-10) (from Ch. 110 1/2, par. 802-10)

9 Sec. 2-10. Agency-court relationship.

10 (a) Upon petition by any interested person (including the  
11 agent), with such notice to interested persons as the court  
12 directs and a finding by the court that the principal lacks  
13 either the capacity to control or the capacity to revoke the  
14 agency, the court may construe a power of attorney, review the  
15 agent's conduct, and grant appropriate relief including  
16 compensatory damages.

17 (b) If the court finds that the agent is not acting for the  
18 benefit of the principal in accordance with the terms of the  
19 agency or that the agent's action or inaction has caused or  
20 threatens substantial harm to the principal's person or  
21 property in a manner not authorized or intended by the  
22 principal, the court may order a guardian of the principal's  
23 person or estate to exercise any powers of the principal under  
24 the agency, including the power to revoke the agency, or may

1 enter such other orders without appointment of a guardian as  
2 the court deems necessary to provide for the best interests of  
3 the principal.

4 (c) If the court finds that the agency requires  
5 interpretation, the court may construe the agency and instruct  
6 the agent, but the court may not amend the agency.

7 (d) If the court finds that the agent has not acted for the  
8 benefit of the principal in accordance with the terms of the  
9 agency and the Illinois Power of Attorney Act, or that the  
10 agent's action caused or threatened substantial harm to the  
11 principal's person or property in a manner not authorized or  
12 intended by the principal, then the agent shall not be  
13 authorized to pay or be reimbursed from the estate of the  
14 principal the attorneys' fees and costs of the agent in  
15 defending a proceeding brought pursuant to this Section.

16 (e) Upon a finding that the agent's action has caused  
17 substantial harm to the principal's person or property, the  
18 court may assess against the agent reasonable costs and  
19 attorney's fees to a prevailing party who is a provider agency  
20 as defined in Section 2 of the Adult Protective Services Act, a  
21 representative of the Office of the State Long Term Care  
22 Ombudsman, the State Guardian, a public guardian, or a  
23 governmental agency having regulatory authority to protect the  
24 welfare of the principal.

25 (f) As used in this Section, the term "interested person"  
26 includes (1) the principal or the agent; (2) a guardian of the

1 person, guardian of the estate, or other fiduciary charged with  
2 management of the principal's property; (3) the principal's  
3 spouse, parent, or descendant; (4) a person who would be a  
4 presumptive heir-at-law of the principal; (5) a person named as  
5 a beneficiary to receive any property, benefit, or contractual  
6 right upon the principal's death, or as a beneficiary of a  
7 trust created by or for the principal; (6) a provider agency as  
8 defined in Section 2 of the Adult Protective Services Act, a  
9 representative of the Office of the State Long Term Care  
10 Ombudsman, the State Guardian, a public guardian, or a  
11 governmental agency having regulatory authority to protect the  
12 welfare of the principal; and (7) the principal's caregiver or  
13 another person who demonstrates sufficient interest in the  
14 principal's welfare.

15 (g) Absent court order directing a guardian to exercise  
16 powers of the principal under the agency, a guardian will have  
17 no power, duty or liability with respect to any property  
18 subject to the agency or any personal or health care matters  
19 covered by the agency. If an agent seeks guardianship of the  
20 principal pursuant to the Probate Act of 1975, the petition for  
21 guardianship must delineate the specific powers to be granted  
22 to the guardian that are not already included in the power of  
23 attorney. The petition for temporary, limited, or plenary  
24 guardianship of the principal under the Probate Act of 1975 may  
25 include a prayer for relief to suspend a power of attorney or  
26 to revoke a power of attorney in accordance with subsection

1 (b).

2 (h) Proceedings under this Section shall be commenced in  
3 the county where the guardian was appointed or, if no Illinois  
4 guardian is acting, then in the county where the agent or  
5 principal resides or where the principal owns real property.

6 (i) This Section shall not be construed to limit any other  
7 remedies available.

8 (Source: P.A. 98-49, eff. 7-1-13; 98-562, eff. 8-27-13; 98-756,  
9 eff. 7-16-14.)

1

## INDEX

2

## Statutes amended in order of appearance

3	755 ILCS 5/11a-1	from Ch. 110 1/2, par. 11a-1
4	755 ILCS 5/11a-3	from Ch. 110 1/2, par. 11a-3
5	755 ILCS 5/11a-3.1	
6	755 ILCS 5/11a-3.2	
7	755 ILCS 5/11a-4	from Ch. 110 1/2, par. 11a-4
8	755 ILCS 5/11a-5	from Ch. 110 1/2, par. 11a-5
9	755 ILCS 5/11a-8	from Ch. 110 1/2, par. 11a-8
10	755 ILCS 5/11a-10	from Ch. 110 1/2, par. 11a-10
11	755 ILCS 5/11a-10.1	from Ch. 110 1/2, par. 11a-10.1
12	755 ILCS 5/11a-12	from Ch. 110 1/2, par. 11a-12
13	755 ILCS 5/11a-13.5 new	
14	755 ILCS 5/11a-17	from Ch. 110 1/2, par. 11a-17
15	755 ILCS 5/11a-17.1	
16	755 ILCS 5/11a-18	from Ch. 110 1/2, par. 11a-18
17	755 ILCS 5/11a-18.3	
18	755 ILCS 5/11a-19	from Ch. 110 1/2, par. 11a-19
19	755 ILCS 5/11a-20	from Ch. 110 1/2, par. 11a-20
20	755 ILCS 5/13-1	from Ch. 110 1/2, par. 13-1
21	755 ILCS 5/18-10	from Ch. 110 1/2, par. 18-10
22	755 ILCS 5/19-2	from Ch. 110 1/2, par. 19-2
23	755 ILCS 5/25-4	from Ch. 110 1/2, par. 25-4
24	755 ILCS 5/27-1	from Ch. 110 1/2, par. 27-1
25	755 ILCS 45/2-10	from Ch. 110 1/2, par. 802-10