



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 02/05/04, by Donald L. Moffitt

SYNOPSIS AS INTRODUCED:

755 ILCS 5/11a-3.5 new

Amends the "guardians for disabled adults" Article of the Probate Act. Provides for entry of a temporary restraining order or preliminary injunction in order to prevent an alleged disabled person's dissipation of his or her assets. Such an order or injunction may remain in effect only until the first hearing on the petition for adjudication of disability and for the appointment of a guardian.

LRB093 14726 LCB 40271 b

1 AN ACT concerning probate.

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 adding
5 Section 11a-3.5 as follows:

6 (755 ILCS 5/11a-3.5 new)

7 Sec. 11a-3.5. Temporary order. This Section applies only
8 in the case of a person alleged to be disabled because of
9 gambling as provided in item (c) of Section 11a-2. A person who
10 files a petition for adjudication of disability and for the
11 appointment of a guardian of the estate or person or both of an
12 alleged disabled person may also file a motion for entry of a
13 temporary restraining order or preliminary injunction in order
14 to prevent the alleged disabled person's dissipation of his or
15 her assets. The motion shall be supported by affidavit. After a
16 hearing on the motion the court may enter a temporary
17 restraining order or preliminary injunction directing any
18 appropriate person or entity to take appropriate action in
19 order to prevent the dissipation of the alleged disabled
20 person's assets. The temporary restraining order or
21 preliminary injunction may remain in effect only until the
22 first hearing on the petition for adjudication of disability
23 and for the appointment of a guardian.