

1 AN ACT in relation to estates.

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
5 changing Section 11a-3 as follows:

6 (755 ILCS 5/11a-3) (from Ch. 110 1/2, par. 11a-3)

7 Sec. 11a-3. Adjudication of disability; Power to appoint
8 guardian.

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

24 (b) Guardianship shall be utilized only as is necessary
25 to promote the well-being of the disabled person, to protect
26 him from neglect, exploitation, or abuse, and to encourage
27 development of his maximum self-reliance and independence.
28 Guardianship shall be ordered only to the extent necessitated
29 by the individual's actual mental, physical and adaptive
30 limitations.

31 (Source: P.A. 91-357, eff. 7-29-99.)