



Rep. Roger L. Eddy

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09400HB3415ham001

LRB094 09228 LCB 43773 a

1 AMENDMENT TO HOUSE BILL 3415

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3415 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Probate Act of 1975 is amended by changing  
5 Sections 11-3 and 11a-5 as follows:

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

7 Sec. 11-3. Who may act as guardian.

8 (a) A person ~~who has attained the age of 18 years, is a~~  
9 ~~resident of the United States, is not of unsound mind, is not~~  
10 ~~an adjudged disabled person as defined in this Act, has not~~  
11 ~~been convicted of a felony, and who the court finds is capable~~  
12 ~~of providing an active and suitable program of guardianship for~~  
13 ~~the minor~~ is qualified to act as guardian of the person and as  
14 guardian of the estate if the court finds that the proposed  
15 guardian is capable of providing an active and suitable program  
16 of guardianship for the minor and that the proposed guardian:

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

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

19 (3) is not of unsound mind;

20 (4) is not an adjudged disabled person as defined in  
21 this Act; and

22 (5) has not been convicted of a felony, unless the  
23 court finds appointment of the person convicted of a felony  
24 to be in the minor's best interests, and as part of the

1 best interest determination, the court has considered the  
2 nature of the offense, the date of offense, and the  
3 evidence of the proposed guardian's rehabilitation. No  
4 person shall be appointed who has been convicted of a  
5 felony involving harm or threat to a child, including a  
6 felony sexual offense.

7 One person may be appointed guardian of the person and another  
8 person appointed guardian of the estate.

9 (b) The Department of Human Services or the Department of  
10 Children and Family Services may with the approval of the court  
11 designate one of its employees to serve without fees as  
12 guardian of the estate of a minor patient in a State mental  
13 hospital or a resident in a State institution when the value of  
14 the personal estate does not exceed \$1,000.

15 (Source: P.A. 89-507, eff. 7-1-97; 90-430, eff. 8-16-97;  
16 90-472, eff. 8-17-97.)

17 (755 ILCS 5/11a-5) (from Ch. 110 1/2, par. 11a-5)  
18 Sec. 11a-5. Who may act as guardian.

19 (a) A person ~~who has attained the age of 18 years, is a~~  
20 ~~resident of the United States, is not of unsound mind, is not~~  
21 ~~an adjudged disabled person as defined in this Act, has not~~  
22 ~~been convicted of a felony, and who the court finds is capable~~  
23 ~~of providing an active and suitable program of guardianship for~~  
24 ~~the disabled person~~ is qualified to act as guardian of the  
25 person and as guardian of the estate of a disabled person if  
26 the court finds that the proposed guardian is capable of  
27 providing an active and suitable program of guardianship for  
28 the disabled person and that the proposed guardian:

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

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

31 (3) is not of unsound mind;

32 (4) is not an adjudged disabled person as defined in

33 this Act; and

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

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

22           (c) Any corporation qualified to accept and execute trusts  
23           in this State may be appointed guardian of the estate of a  
24           disabled person.

25           (Source: P.A. 90-430, eff. 8-16-97; 90-472, eff. 8-17-97.)

26           Section 99. Effective date. This Act takes effect July 1,  
27           2006."