

# HB6618



## 96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB6618

by Rep. Michael G. Connelly

### SYNOPSIS AS INTRODUCED:

755 ILCS 5/23-2

from Ch. 110 1/2, par. 23-2

Amends the Probate Act of 1975. Provides that any person (rather than any interested person) may file a petition for removal of a representative for specified causes.

LRB096 19171 AJO 34562 b

A BILL FOR

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Probate Act of 1975 is amended by changing  
5 Section 23-2 as follows:

6 (755 ILCS 5/23-2) (from Ch. 110 1/2, par. 23-2)

7 Sec. 23-2. Removal.

8 (a) On petition of any ~~interested~~ person or on the court's  
9 own motion, the court may remove a representative if:

10 (1) the representative is acting under letters secured  
11 by false pretenses;

12 (2) the representative is adjudged a person subject to  
13 involuntary admission under the Mental Health and  
14 Developmental Disabilities Code or is adjudged a disabled  
15 person;

16 (3) the representative is convicted of a felony;

17 (4) the representative wastes or mismanages the  
18 estate;

19 (5) the representative conducts himself or herself in  
20 such a manner as to endanger any co-representative or the  
21 surety on the representative's bond;

22 (6) the representative fails to give sufficient bond or  
23 security, counter security or a new bond, after being

1 ordered by the court to do so;

2 (7) the representative fails to file an inventory or  
3 accounting after being ordered by the court to do so;

4 (8) the representative conceals himself or herself so  
5 that process cannot be served upon the representative or  
6 notice cannot be given to the representative;

7 (9) the representative becomes incapable of or  
8 unsuitable for the discharge of the representative's  
9 duties; or

10 (10) there is other good cause.

11 (b) If the representative becomes a nonresident of the  
12 United States, the court may remove the representative as such  
13 representative.

14 (Source: P.A. 90-430, eff. 8-16-97; 90-472, eff. 8-17-97;  
15 91-357, eff. 7-29-99.)