



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3603

Introduced 2/24/2011, by Rep. Michelle Mussman - Emily McAsey

SYNOPSIS AS INTRODUCED:

New Act

Creates the Family Trust Act. Makes findings and defines terms. Creates the Illinois Family Trust Board of Trustees to provide services or support to persons with disabilities who are residents of Illinois or one of the 8 states adjacent to Illinois. Provides for payments for a beneficiary that supplement, but do not replace, services and support provided by State and federal government programs and which do not cause any reduction, impairment, or diminishment of government benefits. Provides for trust accounts, individual first party trust accounts, individual third party trust accounts, stand-by trusts, charitable trust accounts, separate trusts, and distributions. Provides for distributions upon the death of a beneficiary, administration of the Illinois Family Trust, and related matters.

LRB097 06449 AJO 46531 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning family trusts.

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

4 Section 1. Short title. This Act may be cited as the Family
5 Trust Act.

6 Section 5. Findings. The General Assembly hereby finds and
7 declares the following:

8 (1) It is an essential function of State government to
9 provide basic support and services for certain persons with
10 disabilities.

11 (2) Many persons with disabilities lack financial
12 resources and must rely upon the government to provide
13 services and support.

14 (3) It is in the best interest of the State and is
15 necessary and desirable for the public health, safety, and
16 welfare to encourage, enhance, and foster the ability of
17 individuals with disabilities who reside in Illinois or who
18 reside in one of the 8 states adjacent to Illinois, and in
19 the best interests of their families and friends to
20 supplement, but not replace, the services and support
21 provided by State government and other governmental
22 programs.

1 Section 10. Maximum benefit. In light of the findings and
2 declarations described in Section 5, the General Assembly
3 hereby declares that contributions to a trust account
4 administered as part of the Illinois Family Trust by the
5 Illinois Family Trust Board of Trustees as authorized in this
6 Act, shall in no way reduce, impair, or diminish the benefits
7 to which the beneficiary of the trust account is otherwise
8 entitled by law, nor shall the administration of the Illinois
9 Family Trust or any trust account therein be taken into
10 consideration in determining appropriations for programs or
11 services for persons with disabilities, and unless otherwise
12 prohibited by federal statutes or regulations, all State
13 agencies shall disregard the trust account as a resource when
14 determining the eligibility of a resident for assistance.

15 Section 15. Definitions. As used in this Act:

16 "Beneficiary", also referred to as "life beneficiary",
17 means a person who:

18 (a) has been determined to have a disability or to be a
19 disabled person;

20 (b) is a resident of Illinois or one of the 8 states
21 adjacent to Illinois; and

22 (c) is the person designated as the sole, primary
23 beneficiary of a trust account administered as part of the
24 Illinois Family Trust by the Board of Trustees.

25 "Board of Trustees", "Board", or "Illinois Family Trust

1 Board of Trustees" means the body corporate and instrumentality
2 of the State, established as the Illinois Family Trust Board of
3 Trustees pursuant to Section 20.

4 "Charitable trust account" means an account established
5 and administered as part of the Illinois Family Trust for the
6 benefit of disabled individuals, as provided in Section 50.

7 "Co-trustee" means a person designated by the settlor to
8 act together with the trustee as co-trustee of a trust account.

9 "Department" means the Department of Public Health.

10 "Disability" means:

11 (a) a mental or physical impairment that substantially
12 limits one or more major life activities, whether the
13 impairment is congenital or acquired by accident, injury,
14 or disease, and where the impairment is verified by medical
15 findings; or

16 (b) as is defined in Section 1614(a)(3) of the Social
17 Security Act, 42 U.S.C. 1382c(a)(3).

18 "Life beneficiary" or "beneficiary" means a designated
19 beneficiary of the Illinois Family Trust.

20 "Illinois Family Trust" or "Trust" means the trust
21 established and administered by the Board of Trustees, as
22 trustee, pursuant to this Act.

23 "Net income" means the earnings received on investments
24 less administrative expenses and fees.

25 "Principal balance" means the fair market value of all
26 contributions made to a particular account, less

1 distributions, determined as of the end of the calendar month
2 immediately preceding the occurrence giving rise to any
3 determination of principal balance.

4 "Remainder beneficiary" means the person designated to
5 receive the applicable portion of the principal balance of a
6 trust account remaining after the death of the beneficiary.

7 "Restricted account" means an account established and
8 administered as part of the Trust for the benefit of a person
9 with a disability.

10 "Standby trust" means the trust established upon
11 distribution of a trust account by the Board of Trustees
12 pursuant to a notice of withdrawal or termination.

13 "Trust account" means an account established and
14 administered as part of the Illinois Family Trust for the
15 benefit of a beneficiary.

16 "Trustee" means the Board of Trustees acting in its
17 capacity as trustee of a trust account, the charitable trust
18 account, or a restricted account.

19 Section 20. Illinois Family Trust.

20 (a) There is hereby created the Illinois Family Trust,
21 which shall be a body corporate and an instrumentality of the
22 State, and which shall be incorporated as a not-for-profit
23 corporation pursuant to the General Not For Profit Corporation
24 Act of 1986. The Illinois Family Trust is authorized to apply
25 for and qualify for recognition as an exempt organization

1 pursuant to Section 501(c)(3) of the United States Internal
2 Revenue Code of 1986, as amended.

3 (b) The Board of Trustees of the Illinois Family Trust
4 shall consist of 9 members who are natural persons appointed by
5 the Governor with the advice and consent of the Senate. The
6 members' terms of office shall be 3 years and until their
7 successors are appointed and qualified. The Board shall be
8 composed of the following:

9 (1) Three members of the immediate family of persons
10 who have a disability of mental illness. The Department's
11 State Advisory Council for Comprehensive Psychiatric
12 Services shall submit a panel of 9 proposed members of the
13 Board to the Governor, from which the Governor shall
14 appoint 3. One shall be appointed for a term of one year,
15 one for 2 years, and one for 3 years. Thereafter, as the
16 term of a member of the Board appointed under this Section
17 expires each year, the State Advisory Council for
18 Comprehensive Psychiatric Services shall submit to the
19 Governor a panel of not less than 3 nor more than 5
20 proposed members of the Board of Trustees, and the Governor
21 shall appoint one member from such panel for a term of 3
22 years;

23 (2) Three members of the immediate family of persons
24 who have a developmental disability. The Department's
25 Illinois Planning Council for Developmental Disabilities
26 shall submit a panel of 9 proposed members of the Board to

1 the Governor, from which the Governor shall appoint 3. One
2 shall be appointed for a term of one year, one for 2 years,
3 and one for 3 years. Thereafter, as the term of a member of
4 the Board appointed under this Section expires each year,
5 the Illinois Planning Council for Developmental
6 Disabilities shall submit to the Governor a panel of not
7 less than 3 nor more than 5 proposed members of the Board
8 of Trustees, and the Governor shall appoint one member from
9 such panel for a term of 3 years; and

10 (3) Three persons recognized for their expertise in
11 general business matters and procedures. Of the 3 business
12 persons to be appointed by the Governor, one shall be
13 appointed for one year, one for 2 years, and one for 3
14 years. Thereafter, as the term of a member of the Board of
15 Trustees appointed under this subdivision expires each
16 year, the Governor shall appoint one business person as
17 member for a term of 3 years.

18 (c) As used in paragraphs (1) and (2) of subsection (b) of
19 this Section, "immediate family" includes spouse, parents,
20 parents of spouse, children, spouses of children, and siblings.

21 (d) No member of the Board of Trustees shall receive
22 compensation for services as a member of the Board. The Board
23 shall reimburse the members of the Board for necessary expenses
24 actually incurred in the performance of their duties.

25 (e) The Board of Trustees shall be subject to the
26 provisions of this Act and is considered a public governmental

1 body.

2 (f) The Board of Trustees shall annually prepare or cause
3 to be prepared an accounting of funds administered by the Board
4 and shall transmit a copy of the accounting to the Governor,
5 the President of the Senate, and the Speaker of the House of
6 Representatives.

7 (g) The Board of Trustees shall establish policies,
8 procedures, and other rules and regulations necessary to
9 implement the provisions of this Act.

10 (h) The Board of Trustees is authorized to advise, consult
11 with, coordinate and render services to those departments,
12 agencies, political subdivisions, and governmental
13 instrumentalities of Illinois and of the states adjacent to
14 Illinois, and those nonprofit organizations that qualify as
15 organizations pursuant to Section 501(c)(3) of the United
16 States Internal Revenue Code of 1986, as amended, that provide
17 services or support to persons with disabilities who are
18 residents of Illinois or one of the states adjacent to
19 Illinois.

20 (i) The assets of the Board of Trustees shall not be
21 considered State money, assets of the State, or revenue for any
22 purposes of the State Constitution or statutes. The property of
23 the Board of Trustees and its income and operations shall be
24 exempt from all taxation by the State or any of its political
25 subdivisions.

26 (j) No trustee, co-trustee, or successor co-trustee

1 serving pursuant to the provisions of this Act shall at any
2 time be held liable for any mistake of law or fact, or of both
3 law and fact, or errors of judgment, nor for any loss sustained
4 as a result thereof.

5 Section 25. Trust accounts.

6 (a) Trust accounts, restricted trust accounts, and the
7 charitable trust account shall be held and administered in
8 trust as the Illinois Family Trust. The charitable trust
9 account, the restricted accounts, and the trust accounts shall
10 each be maintained in trust as separate accounts, but may be
11 pooled for purposes of investment and management.

12 (b) The Board of Trustees shall act as the trustee of the
13 Illinois Family Trust. The Board of Trustees, as trustee, shall
14 administer the Illinois Family Trust pursuant to the provisions
15 of this Act and pursuant to the policies, procedures, rules,
16 and regulations of the Board of Trustees.

17 (c) In addition to the powers and duties granted to the
18 Board pursuant to this Act in its capacity as trustee of the
19 Trust, the Board shall have all powers granted to trustees
20 acting under the Trusts and Trustees Act; provided, that
21 provisions of that Act regarding the duty to inform and report
22 to the beneficiaries shall not apply to the Trust, except as
23 specifically mandated in this Act.

24 Section 30. First party trust account.

1 (a) A beneficiary who is a person with disabilities as
2 defined in Section 1614(a)(3) of the Social Security Act 42
3 U.S.C. 1382c(a)(3), or the parent, grandparent, or legal
4 guardian of a beneficiary, or a court, as settlor, may
5 contribute assets of the beneficiary in trust to the Board as
6 Trustee, for the benefit of the beneficiary as part of a pooled
7 trust described by 42 U.S.C. Section 1396p(d)(4)(C). Upon such
8 contribution, the settlor's completion and execution of trust
9 documents provided by the trustee, and the trustee's review,
10 approval and execution of the trust documents, a trust account
11 for the beneficiary shall thereby be created. A trust account
12 to which the assets of a beneficiary are contributed shall be
13 referred to as a "first party trust account" and shall be held
14 and administered in trust for the benefit of the beneficiary.

15 (b) The settlor may designate a co-trustee, and a successor
16 or successors to the co-trustee, to act together with the
17 trustee as trustees of the first-party trust account; provided
18 that the beneficiary may not act as a co-trustee or successor
19 co-trustee; and provided further that court approval of the
20 beneficiary, co-trustee, or successor trustee shall be
21 required in connection with any first party trust account
22 created pursuant to this Section.

23 (c) If the Board determines, in its good faith judgment,
24 that a co-trustee has breached his or her fiduciary duties,
25 either as a result of an act of commission or omission, then
26 the Board may, by written notice to such co-trustee, remove

1 such co-trustee and may appoint a successor co-trustee or serve
2 as sole trustee.

3 (d) At the death of the beneficiary, the Board of Trustees
4 shall provide notice that the trust account has terminated to
5 each state of which the Board of Trustees has knowledge that
6 such state has provided medical assistance on behalf of the
7 beneficiary under a state plan for medical assistance under
8 Title 42 of the United States Code. After distribution of 25%
9 of the principal balance of the trust account to the charitable
10 trust account, the Board of Trustees shall pay over and
11 distribute to such states all amounts remaining in the trust
12 account up to an amount equal to the total medical assistance
13 paid by such states on behalf of the beneficiary under the
14 state plan for medical assistance under Title 42 of the United
15 States Code. In the event that the beneficiary has received
16 medical assistance from more than one state with claims on the
17 proceeds for reimbursement of medical assistance payments
18 under Title 42 of the United States Code and there are
19 insufficient assets to pay the entire balance due to each state
20 then the proceeds shall be distributed to each state on a pro
21 rata basis based upon each state's proportionate share of the
22 total medical assistance paid by all states.

23 (e) To the extent any amounts remain in the trust account
24 after distribution to the charitable trust account and the
25 State or states for state reimbursement claims, the remainder
26 shall be distributed to such person, entities, or organizations

1 designated as remainder beneficiaries by the settlor in the
2 trust documents. If any individual remainder beneficiary named
3 by the settlor is not then living, then in the absence of
4 contrary instruction in the trust documents completed by the
5 settlor, such remainder beneficiary's distribution shall be
6 made to such remainder beneficiary's heirs-at-law, as
7 determined by the laws of the state of the beneficiary's
8 residence at the time of the beneficiary's death.

9 Section 35. Third party trust account.

10 (a) Any person, as settlor, except a beneficiary or a
11 beneficiary's spouse, may contribute assets not including
12 assets of the beneficiary or the beneficiary's spouse in trust
13 to the Board of Trustees as trustee, for the benefit of the
14 beneficiary. Upon such contribution, the settlor's completion
15 and execution of trust documents provided by the trustee, and
16 the trustee's review, approval and execution of the trust
17 documents, a trust account for the beneficiary shall thereby be
18 created. A trust account to which assets that do not include
19 assets of a beneficiary or of a beneficiary's spouse are
20 contributed shall be referred to as a "third party trust
21 account", and shall be held and administered in trust for the
22 benefit of the beneficiary as provided in this Section.

23 (b) The settlor may designate a co-trustee, and a successor
24 or successors to the co-trustee, to act together with the Board
25 of Trustees as trustee of the third party trust account;

1 provided that the beneficiary or the beneficiary's spouse may
2 not act as co-trustee, or successor co-trustee; and provided
3 further that court approval of the beneficiary, co-trustee, or
4 successor trustee shall be required in connection with any
5 third party trust account created pursuant to this Section.

6 (c) If the Board determines, in its good faith judgment,
7 that a co-trustee has breached his or her fiduciary duties,
8 either as a result of an act of commission or omission, then
9 the Board may, by written notice to such co-trustee, remove
10 such co-trustee, appoint a successor co-trustee, or serve as
11 sole trustee.

12 (d) At the death of the beneficiary, the Board of Trustees
13 shall promptly determine the principal balance of the trust
14 account and, after payment of any expenses of the beneficiary
15 as the Board may authorize and all fees and expenses of the
16 Board, shall distribute to the persons, entities, or
17 organizations designated by the settlor as remainder
18 beneficiaries in the trust documents:

19 (1) an amount equal to 100% of the principal balance if
20 the beneficiary shall not have received any benefits
21 provided by use of trust account income or principal; or

22 (2) an amount equal to 75% of the principal balance if
23 the beneficiary shall have received any benefits provided
24 by use of trust account income or principal; and

25 (3) any principal not distributed pursuant to the
26 provisions of subdivision (2) of subsection (d) of this

1 Section, and any undistributed income shall be distributed
2 to the charitable trust account established pursuant to the
3 provisions of Section 45;

4 (4) if any individual remainder beneficiary named by
5 the settlor is not then living, then in the absence of
6 contrary instructions in the trust documents completed by
7 the settlor, such remainder beneficiary's share shall be
8 distributed to such remainder beneficiary's heirs-at-law,
9 as determined by the laws of the state of the beneficiary's
10 residence at the time of the beneficiary's death.

11 (e) Notwithstanding the provisions of subsection (d) of
12 this Section to the contrary, the settlor may voluntarily agree
13 that a smaller percentage of the principal balance in any trust
14 account established by such settlor than is provided in
15 subsection (d) of this Section be distributed to the remainder
16 beneficiaries designated in the trust documents; and that a
17 corresponding larger percentage of the principal balance in
18 such trust account be distributed either to the charitable
19 trust account or to a designated restricted account within the
20 charitable trust account.

21 Section 40. Settlor.

22 (a) The settlor of a revocable third party trust account or
23 the co-trustee of a revocable third party trust account if
24 authorized by the settlor in the trust documents, upon written
25 notice to the Board and with the Board's consent may, from time

1 to time, withdraw such part of the trust account as the settlor
2 or such authorized co-trustee may determine; provided,
3 however, neither the settlor nor such authorized co-trustee may
4 withdraw an amount that when aggregated with all withdrawals
5 within the prior 12 months shall reduce the remaining principal
6 balance of the trust account below the greater of the amount
7 due the Board, if the trust account had terminated at the time
8 of such withdrawal or the minimum amount required by the Board,
9 from time to time, for an account.

10 (b) The settlor of a revocable third party trust account or
11 the co-trustee of a revocable third party trust account if
12 authorized by the settlor in the trust documents, upon written
13 notice to the Board and with the Board's consent may revoke and
14 terminate the trust account. Upon receipt of such notice, the
15 Board shall promptly determine the principal balance of the
16 trust account and after payment of all fees and expenses of the
17 Board shall distribute:

18 (1) In the case of revocation and termination by the
19 settlor:

20 (A) an amount equal to 100% of the principal
21 balance to the settlor if the beneficiary shall not
22 have received any benefits provided by use of trust
23 account income or principal; or

24 (B) an amount equal to 75% of the principal balance
25 to the settlor if the beneficiary shall have received
26 any benefits provided by use of trust account income or

1 principal; and

2 (C) any principal not distributed pursuant to the
3 provisions of items (A) and (B) of this paragraph (1)
4 of subsection (b) of this Section, and any
5 undistributed income to the charitable trust account.

6 (2) In the case of revocation and termination by an
7 authorized co-trustee:

8 (A) an amount equal to 100% of the principal
9 balance shall be distributed to the trustees of the
10 standby trust, if the beneficiary shall not have
11 received any benefits provided by use of trust account
12 income or principal, to be held, administered, and
13 distributed in accordance with the provisions of
14 subsection (h) of this Section; or

15 (B) an amount equal to 75% of the then principal
16 balance shall be distributed to the trustees of the
17 standby trust, if the beneficiary shall have received
18 any benefits provided by use of trust account income or
19 principal, to be held, administered, and distributed
20 in accordance with the provisions of subsection (h) of
21 this Section; and

22 (C) any principal not distributed pursuant to the
23 provisions of paragraph (B) of this paragraph (2), and
24 any undistributed income shall be distributed to the
25 charitable trust account.

26 (c) The trustee or trustees of the standby trust shall

1 hold, administer, and distribute the principal and income of
2 the standby trust, in the discretion of such trustee, for the
3 support, health, education, and general well-being of the
4 beneficiary during the beneficiary's life, recognizing that it
5 is the purpose of the standby trust to supplement, not replace,
6 any government benefits for the beneficiary's basic support to
7 which such beneficiary may be entitled and to increase the
8 quality of such beneficiary's life by providing the beneficiary
9 those amenities which cannot otherwise be provided by public
10 assistance or entitlements or other available sources.
11 Permissible expenditures include, but are not limited to, those
12 described in subdivision (2) of Section 45.

13 Section 45. Administration. Each first party trust account
14 and third party trust account shall be held and administered in
15 trust as follows:

16 (1) The Board of Trustees shall hold, administer, and
17 distribute the principal and income of the trust account,
18 in the discretion of the trustee, in consultation with the
19 co-trustee, for the health, education, and general
20 well-being of the beneficiary, recognizing that the
21 purpose of the trust account is to supplement, not replace,
22 any government benefits for the beneficiary's basic
23 support to which such beneficiary may be entitled.

24 (2) Expenditure of trust account funds shall be made
25 solely for benefit of the beneficiary, to increase the

1 quality of the beneficiary's life by providing those
2 amenities that cannot otherwise be provided by public
3 assistance or entitlements or other available sources.
4 Permissible expenditures include, but are not limited to,
5 dental, medical, and diagnostic work or treatment that is
6 not otherwise available from public benefits or
7 assistance; private rehabilitative training; supplementary
8 education aid; entertainment; periodic vacations and
9 outings; expenditures to foster the interests, talents,
10 and hobbies of the beneficiary; and expenditures to
11 purchase personal property and services that will make life
12 more comfortable and enjoyable for the beneficiary, but
13 that will not defeat his or her eligibility for public
14 benefits or assistance. The Trustee, with consultation of
15 the co-trustee, may make payments for a person to accompany
16 the beneficiary on vacations and outings and for the
17 transportation of the beneficiary or of friends and
18 relatives of the beneficiary to visit the beneficiary.

19 (3) Expenditures of trust account funds shall not be
20 made for the primary support or maintenance of the
21 beneficiary, including basic food or shelter, if, as a
22 result, the beneficiary would no longer be eligible to
23 receive public benefits or assistance to which the
24 beneficiary is then entitled.

25 (4) The co-trustee, with consent of the Trustee, shall
26 not less frequently than annually determine the amount of

1 income or principal which may be used to provide noncash
2 benefits and the nature and type of benefits to be provided
3 for the beneficiary. Any net income which is not used shall
4 be added to the principal annually.

5 (5) In the event that the Trustee and the co-trustee
6 shall be unable to agree either on:

7 (a) the amount of income or principal to be used;

8 (b) the benefits to be provided; or

9 (c) the administration of the trust account, then
10 the co-trustee shall have the right to appeal the
11 decision of the trustee in accordance with the rules
12 and regulations established by the Board.

13 Section 50. Charitable trust account.

14 (a) The Board of Trustees shall establish a charitable
15 trust account for the benefit of individuals with disabilities.

16 (b) The Board of Trustees shall accept contributions to the
17 charitable trust account at the termination of trust accounts
18 and other contributions from donors in accordance with policies
19 and procedures adopted by the Board of Trustees.

20 (c) The Trustees shall as necessary determine the amount of
21 income and principal of the charitable trust account to be used
22 to provide benefits for individuals with disabilities.
23 Benefits provided shall only be those that have no negative
24 effect on the individual's entitlement to government benefits.
25 Any income not used to provide benefits shall be added to the

1 principal annually.

2 (d) Any person with the consent of the Board of Trustees
3 may establish a restricted account within the charitable trust
4 account and may determine, with the consent of the Board of
5 Trustees, the class of individuals eligible to be recipients of
6 funds from the restricted account, so long as the eligible
7 recipients are individuals with disabilities as defined in
8 Section 15.

9 Section 55. Fees.

10 (a) The Board may establish and collect fees for
11 administering trust accounts established pursuant to the
12 provisions of this Act.

13 (b) The Board shall establish policies and procedures for
14 providing periodic reports to the co-trustees of each trust
15 account established pursuant to the provisions of Section 30 or
16 35.

17 (c) No beneficiary shall have any vested or property rights
18 or interests in any trust account, nor shall any beneficiary
19 have the power to anticipate, assign, convey, alienate, or
20 otherwise encumber any interest in the income or principal of
21 any trust account.

22 (d) The income or the principal or any interest of any
23 beneficiary in the trust account shall not be liable for any
24 debt incurred by such beneficiary, nor shall the principal or
25 income of any trust account be subject to seizure by any

1 creditor or any beneficiary under any writ or proceeding in law
2 or in equity.

3 (e) Except for the right of a settlor to withdraw from or
4 revoke any revocable trust account under Section 40, and the
5 right of any acting co-trustee, other than the original
6 settlor, to withdraw all or a portion of the principal balance
7 of a revocable trust account under Section 40, neither the
8 settlor nor any acting co-trustee shall have the right to sell,
9 assign, convey, alienate, or otherwise encumber, for
10 consideration or otherwise, any interest in the income or
11 principal of the trust account. The income or the principal or
12 any interest of any beneficiary of a revocable trust account
13 shall not be liable for any debt incurred by the settlor or any
14 acting co-trustee, nor shall the principal or income of the
15 trust account be subject to seizure by any creditor of any
16 settlor or any acting co-trustee under any writ or proceeding
17 in law or in equity.

18 Section 60. Distributions.

19 (a) Distribution to a distributee may be made to the
20 distributee or to a person holding a power of attorney properly
21 executed by the distributee in accordance with the law of the
22 place of execution, or to the distributee's personal
23 representative, guardian, or conservator.

24 (b) Distribution may be made to the trustees of a trust
25 account established pursuant to this Act if the court finds

1 that such distribution qualifies as a life beneficiary as
2 defined in Section 15 and that such distribution would be in
3 the best interest of the distributee.

4 Section 65. Protectee.

5 (a) If the court finds that the establishment of a trust
6 would be in the protectee's best interest, the court may
7 authorize the establishment of a trust account for the benefit
8 of a protectee pursuant to this Act if it finds that the
9 protectee qualifies as a life beneficiary as defined in Section
10 15, or the court may authorize the establishment of such trust
11 for the benefit of a protectee.

12 (b) A trust account established pursuant to this Act will
13 be in the best interest of the protectee, notwithstanding the
14 fact that a sum not exceeding 25% of the principal balance as
15 defined in Section 15 will be distributed to the charitable
16 trust account of the Illinois Family Trust as prescribed by
17 Section 30.