



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4415

Introduced 1/30/2012, by Rep. Michael J. Madigan

SYNOPSIS AS INTRODUCED:

755 ILCS 5/11-3

from Ch. 110 1/2, par. 11-3

Amends the Probate Act of 1975. Makes a technical change to a Section concerning guardians.

LRB097 15407 AJO 60507 b

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 11-3 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 is qualified to act as guardian of the ~~the~~
9 person and as guardian of the estate if the court finds that
10 the proposed guardian is capable of providing an active and
11 suitable program of guardianship for the minor and that the
12 proposed guardian:

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

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

15 (3) is not of unsound mind;

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

18 (5) has not been convicted of a felony, unless the
19 court finds appointment of the person convicted of a felony
20 to be in the minor's best interests, and as part of the
21 best interest determination, the court has considered the
22 nature of the offense, the date of offense, and the
23 evidence of the proposed guardian's rehabilitation. No

1 person shall be appointed who has been convicted of a
2 felony involving harm or threat to a child, including a
3 felony sexual offense.

4 One person may be appointed guardian of the person and another
5 person appointed guardian of the estate.

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

12 (Source: P.A. 94-579, eff. 8-12-05.)