

**SB1081**



**97TH GENERAL ASSEMBLY**

**State of Illinois**

**2011 and 2012**

**SB1081**

Introduced 2/8/2011, by Sen. John J. Cullerton

**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 04812 AJO 44851 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 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.)