



Sen. Ira I. Silverstein

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09700SB3593sam001

LRB097 20172 JWD 65718 a

1 AMENDMENT TO SENATE BILL 3593

2 AMENDMENT NO. _____. Amend Senate Bill 3593 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Probate Act of 1975 is amended by changing
5 Section 13-5 as follows:

6 (755 ILCS 5/13-5) (from Ch. 110 1/2, par. 13-5)

7 Sec. 13-5. Powers and duties of public guardian.) The court
8 may appoint the public guardian as the guardian of any disabled
9 adult who is in need of a public guardian and whose estate
10 exceeds \$25,000. When a disabled adult who has a smaller estate
11 is in need of guardianship services, the court shall appoint
12 the State guardian pursuant to Section 30 of the Guardianship
13 and Advocacy Act. If the public guardian is appointed guardian
14 of a disabled adult and the estate of the disabled adult is
15 thereafter reduced to less than \$25,000, the court may, upon
16 the petition of the public guardian and the approval by the

1 court of a final accounting of the disabled adult's estate,
2 discharge the public guardian and transfer the guardianship to
3 the State guardian. The public guardian shall serve not less
4 than 14 days' notice to the State guardian of the hearing date
5 regarding the transfer. When appointed by the court, the public
6 guardian has the same powers and duties as other guardians
7 appointed under this Act, with the following additions and
8 modifications:

9 (a) The public guardian shall monitor the ward and his care
10 and progress on a continuous basis. Monitoring shall at minimum
11 consist of monthly contact with the ward, and the receipt of
12 periodic reports from all individuals and agencies, public or
13 private, providing care or related services to the ward.

14 (b) Placement of a ward outside of the ward's home may be
15 made only after the public guardian or his representative has
16 visited the facility in which placement is proposed.

17 (c) The public guardian shall prepare an inventory of the
18 ward's belongings and assets and shall maintain insurance on
19 all of the ward's real and personal property to the extent
20 funds are available in the ward's estate to pay for the
21 insurance. No personal property shall be removed from the
22 ward's possession except for storage pending final placement or
23 for liquidation in accordance with this Act.

24 (d) The public guardian shall make no substantial
25 distribution of the ward's estate without a court order.

26 (e) The public guardian may liquidate assets of the ward to

1 pay for the costs of the ward's care and for storage of the
2 ward's personal property only after notice of such pending
3 action is given to all potential heirs at law, unless notice is
4 waived by the court; provided, however, that a person who has
5 been so notified may elect to pay for care or storage or to pay
6 fair market value of the asset or assets sought to be sold in
7 lieu of liquidation.

8 (f) Real property of the ward may be sold at fair market
9 value after an opinion of the value appraisal of the property
10 has been made by an a licensed appraiser licensed under the
11 Real Estate Appraiser Licensing Act of 2002; however, if the
12 public guardian determines the ward's estate does not have
13 sufficient funds to pay for such an appraisal, then the real
14 property of the ward may be sold at fair market value after an
15 opinion of the value of the property has been made by a broker
16 or managing broker licensed under the Real Estate License Act
17 of 2000. The provided, however, that the ward's residence may
18 be sold only if the court finds that the ward is not likely to
19 be able to return home at a future date.

20 (g) The public guardian shall, at such intervals as the
21 court may direct, submit to the court an affidavit setting
22 forth in detail the services he has provided for the benefit of
23 the ward.

24 (h) Upon the death of the ward, the public guardian shall
25 turn over to the court-appointed administrator all of the
26 ward's assets and an account of his receipt and administration

1 of the ward's property. A guardian ad litem shall be appointed
2 for an accounting when the estate exceeds the amount set in
3 Section 25-1 of this Act for administration of small estates.

4 (i)(1) On petition of any person who appears to have an
5 interest in the estate, the court by temporary order may
6 restrain the public guardian from performing specified acts of
7 administration, disbursement or distribution, or from exercise
8 of any powers or discharge of any duties of his office, or make
9 any other order to secure proper performance of his duty, if it
10 appears to the court that the public guardian might otherwise
11 take some action contrary to the best interests of the ward.
12 Persons with whom the public guardian may transact business may
13 be made parties.

14 (2) The matter shall be set for hearing within 10 days
15 unless the parties otherwise agree or unless for good cause
16 shown the court determines that additional time is required.
17 Notice as the court directs shall be given to the public
18 guardian and his attorney of record, if any, and to any other
19 parties named defendant in the petition.

20 (j) On petition of the public guardian, the court in its
21 discretion may for good cause shown transfer guardianship to
22 the State guardian.

23 (k) No later than January 31 of each year, the public
24 guardian shall file an annual report with the clerk of the
25 Circuit Court, indicating, with respect to the period covered
26 by the report, the number of cases which he has handled, the

1 date on which each case was assigned, the date of termination
2 of each case which has been closed during the period, the
3 disposition of each terminated case, and the total amount of
4 fees collected during the period from each ward.

5 (1) (Blank).

6 (Source: P.A. 96-752, eff. 1-1-10.)".