

SB1287



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1287

Introduced 2/5/2013, by Sen. Ira I. Silverstein

SYNOPSIS AS INTRODUCED:

755 ILCS 5/11a-5

from Ch. 110 1/2, par. 11a-5

Amends the Probate Act of 1975. To the list of felons barred from being appointed guardian of a disabled person, adds a person convicted of a felony involving harm or threat to a minor, including a felony sexual offense.

LRB098 08943 HEP 39075 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 11a-5 as follows:

6 (755 ILCS 5/11a-5) (from Ch. 110 1/2, par. 11a-5)

7 Sec. 11a-5. Who may act as guardian.

8 (a) A person is qualified to act as guardian of the person
9 and as guardian of the estate of a disabled person if the court
10 finds that the proposed guardian is capable of providing an
11 active and suitable program of guardianship for the disabled
12 person and that the 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 disabled person's best interests, and as part
21 of the best interest determination, the court has
22 considered the nature of the offense, the date of offense,
23 and the evidence of the proposed guardian's

1 rehabilitation. No person shall be appointed who has been
2 convicted of a felony involving harm or threat to a minor
3 or an elderly or disabled person, including a felony sexual
4 offense.

5 (b) Any public agency, or not-for-profit corporation found
6 capable by the court of providing an active and suitable
7 program of guardianship for the disabled person, taking into
8 consideration the nature of such person's disability and the
9 nature of such organization's services, may be appointed
10 guardian of the person or of the estate, or both, of the
11 disabled person. The court shall not appoint as guardian an
12 agency which is directly providing residential services to the
13 ward. One person or agency may be appointed guardian of the
14 person and another person or agency appointed guardian of the
15 estate.

16 (c) Any corporation qualified to accept and execute trusts
17 in this State may be appointed guardian of the estate of a
18 disabled person.

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