



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB1332

Introduced 2/4/2015, by Rep. Michael J. Zalewski

SYNOPSIS AS INTRODUCED:

755 ILCS 5/11a-9

from Ch. 110 1/2, par. 11a-9

Amends the Probate Act of 1975. Provides that a licensed clinical psychologist, in lieu of a licensed physician, may sign a report relating to the adjudication of disability if the evaluation is limited to the respondent's mental condition.

LRB099 06999 HEP 27081 b

1 AN ACT concerning probate proceedings.

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-9 as follows:

6 (755 ILCS 5/11a-9) (from Ch. 110 1/2, par. 11a-9)
7 Sec. 11a-9. Report.)

8 (a) The petition for adjudication of disability and for
9 appointment of a guardian should be accompanied by a report
10 which contains (1) a description of the nature and type of the
11 respondent's disability and an assessment of how the disability
12 impacts on the ability of the respondent to make decisions or
13 to function independently; (2) an analysis and results of
14 evaluations of the respondent's mental and physical condition
15 and, where appropriate, educational condition, adaptive
16 behavior and social skills, which have been performed within 3
17 months of the date of the filing of the petition; (3) an
18 opinion as to whether guardianship is needed, the type and
19 scope of the guardianship needed, and the reasons therefor; (4)
20 a recommendation as to the most suitable living arrangement
21 and, where appropriate, treatment or habilitation plan for the
22 respondent and the reasons therefor; (5) the name, business
23 address, business telephone number, and signatures of all

1 persons who performed the evaluations upon which the report is
2 based, one of whom shall be a licensed physician unless the
3 evaluation and report are completed by a licensed clinical
4 psychologist and the evaluation is limited to the respondent's
5 mental condition, and a statement of the certification,
6 license, or other credentials that qualify the evaluators who
7 prepared the report.

8 (b) If for any reason no report accompanies the petition,
9 the court shall order appropriate evaluations to be performed
10 by a qualified person or persons and a report prepared and
11 filed with the court at least 10 days prior to the hearing.

12 (b-5) Upon oral or written motion by the respondent or the
13 guardian ad litem or upon the court's own motion, the court
14 shall appoint one or more independent experts to examine the
15 respondent. Upon the filing with the court of a verified
16 statement of services rendered by the expert or experts, the
17 court shall determine a reasonable fee for the services
18 performed. If the respondent is unable to pay the fee, the
19 court may enter an order upon the petitioner to pay the entire
20 fee or such amount as the respondent is unable to pay. However,
21 in cases where the Office of State Guardian is the petitioner,
22 consistent with Section 30 of the Guardianship and Advocacy
23 Act, no expert services fees shall be assessed against the
24 Office of the State Guardian.

25 (c) Unless the court otherwise directs, any report prepared
26 pursuant to this Section shall not be made part of the public

1 record of the proceedings but shall be available to the court
2 or an appellate court in which the proceedings are subject to
3 review, to the respondent, the petitioner, the guardian, and
4 their attorneys, to the respondent's guardian ad litem, and to
5 such other persons as the court may direct.

6 (Source: P.A. 98-1094, eff. 1-1-15.)