**Section 301.20 Definitions**

Terms are defined as follows for the purpose of this Part, unless the context requires otherwise:

"Account" means a statement in writing of receipts and disbursements from a ward's estate by the guardian during a stated period of time.

"Case Opening" means the internal administrative process used by OSG in establishing a temporary or ongoing guardianship case, including, but not limited to, collecting and reviewing necessary financial, legal, medical or social information pertaining to the ward or the ward's estate; opening bank or other financial accounts on the ward's behalf; assigning OSG representatives to perform guardianship responsibilities for the ward; collecting and receiving property of the ward; creating files, summaries and other documentary information necessary for the management of the ward or the ward's estate; and all other activities related to preparing for and assuming the responsibilities of guardian.

"Commission" or "GAC" means the Guardianship and Advocacy Commission.

"Court" means the probate court having jurisdiction over the ward and/or the estate of a ward.

"Estate" means all property owned by the ward, regardless of whether the Office of State Guardian is guardian of the person or estate of the ward, including, but not limited to, all cash, savings accounts, checking accounts, certificates of deposit, money market accounts, bonds, stocks or other negotiable securities or instruments, mutual fund shares, furniture, automobiles, other tangible personal property, and real estate.

"Fee" or "Fees" means any costs assessed by the Office of State Guardian against a ward or a ward's estate for guardianship services, including case opening fees, monthly guardianship services fees, guardianship petitioning fees, and fees for the sale or management of real or personal property.

"Fee Schedules" mean tables showing the amounts of moneys the ward or the ward's estate may be assessed for guardianship services, not including charges for outside services procured by the guardian.

"Financial Hardship" means that the total value of liquid assets of a living ward would be inadequate to provide or obtain care, assistance, education, training, sustenance, housing, treatment or other goods or services vital to the well being of the ward or his or her dependents, resulting in the risk of harm to the ward or the ward's dependents. Wards residing in independent domestic settings generally fall into this category.

"Guardian" means a court appointed guardian of the person, estate, or both, of a ward, and includes temporary, limited and plenary guardianship.

"Guardianship Petitioning" (see "Petitioning").

"Guardianship Services" means work performed by the Office of State Guardian and its representatives in becoming guardian and all guardianship duties performed thereafter on behalf of a particular ward, including, but not limited to, preparation and filing of periodic reports, inventories, petitions for expenditures, current and final accounts; sale or other disposition of real or personal property; managing all assets of an estate; securing residential placements and transfers; monitoring, evaluation and consent for medical treatment and habilitation programing; appearing for and representing a ward in legal proceedings; procuring other outside services for the benefit of the ward or the ward's estate; and quarterly, annual and other visits as necessary to provide an active guardianship program.

"Inventory" means a detailed list of all property owned by the ward that is filed with the court by the guardian.

"Liquid Assets" mean the portion of a ward's estate comprised of cash, negotiable instruments, or other similar property that is readily convertible to cash and has a readily ascertainable fixed value, including but not limited to savings accounts, checking accounts, certificates of deposit, and money market accounts.

"Notice of Assessment" means a prior written statement mailed, pursuant to the procedures outlined in Section 301.40(b) of this Part, to the ward or other interested party, including the ward's spouse, adult children, parents, adult siblings, and other nearest adult kindred, advising that costs shall be assessed by OSG against a ward or the ward's estate.

"Office of State Guardian" or "OSG" means a division of the Guardianship and Advocacy Commission, acting in its capacity as guardian of the estate, person, or both of a ward.

"Outside Services" means those services not provided by OSG or GAC employees, including the services of attorneys, corporations, agencies, individuals, or other entities retained to represent the interests of a ward or a ward's estate, who may charge the ward's estate for services rendered, subject to court approval. The fees may be in addition to fees assessed pursuant to the OSG fee schedules.

"Petitioning" or "Guardianship Petitioning" means the preparation, filing and litigation of guardianship petitions or petitions for the adjudication of disability of alleged disabled persons pursuant to the Probate Act of 1975 [755 ILCS 5/Art. XIa].

"Property Management" or "Management of Property" means activities related to the discovery, possession, protection, conservation, listing for sale, auction or rental, solicitation of purchase or rental offers, title search, preparation of documents and forms, negotiations, payment of costs, fees, insurance, taxes, and penalties associated with the maintenance, operation, sale, auction or rental, participation in closing or completion of a sale or rental arrangements, and any other activities required in order for Office of State Guardian to protect, maintain or convey any interest of a ward in real or personal property, including a leasehold interest, subject to court approval.

"Ward" means a disabled person as defined by Section 11a-2 of the Probate Act of 1975 [755 ILCS 5/11a-2] who is at least 18 years of age, and for whom the Office of State Guardian has been appointed guardian.

(Source: Amended at 36 Ill. Reg. 12090, effective August 1, 2012)