

1 AN ACT concerning guardianship.

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  
5 changing 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  
8 court may appoint the public guardian as the guardian of any  
9 disabled adult who is in need of a public guardian and whose  
10 estate exceeds \$25,000. When a disabled adult who has a  
11 smaller estate is in need of guardianship services, the court  
12 shall appoint the State guardian pursuant to Section 30 of  
13 the Guardianship and Advocacy Act. If the public guardian is  
14 appointed guardian of a disabled adult and the estate of the  
15 disabled adult is thereafter reduced to less than \$25,000,  
16 the court may, upon the petition of the public guardian and  
17 the approval by the court of a final accounting of the  
18 disabled adult's estate, discharge the public guardian and  
19 transfer the guardianship to the State guardian. The public  
20 guardian shall serve not less than 14 days' notice to the  
21 State guardian of the hearing date regarding the transfer.

22 When appointed by the court, the public guardian has the same  
23 powers and duties as other guardians appointed under this  
24 Act, with the following additions and modifications:

25 (a) The public guardian shall monitor the ward and his  
26 care and progress on a continuous basis. Monitoring shall at  
27 minimum consist of monthly contact with the ward, and the  
28 receipt of periodic reports from all individuals and  
29 agencies, public or private, providing care or related  
30 services to the ward.

31 (b) Placement of a ward outside of the ward's home may

1 be made only after the public guardian or his representative  
2 has visited the facility in which placement is proposed.

3 (c) The public guardian shall prepare an inventory of  
4 the ward's belongings and assets and shall maintain insurance  
5 on all of the ward's real and personal property. No personal  
6 property shall be removed from the ward's possession except  
7 for storage pending final placement or for liquidation in  
8 accordance with this Act.

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

11 (e) The public guardian may liquidate assets of the ward  
12 to pay for the costs of the ward's care and for storage of  
13 the ward's personal property only after notice of such  
14 pending action is given to all potential heirs at law, unless  
15 notice is waived by the court; provided, however, that a  
16 person who has been so notified may elect to pay for care or  
17 storage or to pay fair market value of the asset or assets  
18 sought to be sold in lieu of liquidation.

19 (f) Real property of the ward may be sold at fair market  
20 value after an appraisal of the property has been made by a  
21 licensed appraiser; provided, however, that the ward's  
22 residence may be sold only if the court finds that the ward  
23 is not likely to be able to return home at a future date.

24 (g) The public guardian shall, at such intervals as the  
25 court may direct, submit to the court an affidavit setting  
26 forth in detail the services he has provided for the benefit  
27 of the ward. The court shall set reasonable and appropriate  
28 fees for such services. The public guardian may petition the  
29 court for the payment of reasonable and appropriate fees on  
30 not less than a quarterly basis, or sooner as approved by the  
31 court.

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

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

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

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

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

26 (k) No later than January 31 of each year, the public  
27 guardian shall file an annual report with the clerk of the  
28 Circuit Court, indicating, with respect to the period covered  
29 by the report, the number of cases which he has handled, the  
30 date on which each case was assigned, the date of termination  
31 of each case which has been closed during the period, the  
32 disposition of each terminated case, and the total amount of  
33 fees collected during the period from each ward.

34 (l) When the public guardian is appointed temporary

1 guardian of a disabled adult pursuant to an emergency  
2 petition under circumstances where the court finds that the  
3 immediate establishment of a temporary guardianship is  
4 necessary to protect the disabled adult's health, welfare, or  
5 estate, the public guardian shall be entitled to reasonable  
6 and appropriate fees, as determined by the court, for the  
7 period of the temporary guardianship, including fees directly  
8 associated with establishing the temporary guardianship.

9 (Source: P.A. 87-287.)

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law.