

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 16-1 as follows:

6 (755 ILCS 5/16-1) (from Ch. 110 1/2, par. 16-1)

7 (Text of Section before amendment by P.A. 99-93)

8 Sec. 16-1. Citation on behalf of estate.→

9 (a) Upon the filing of a petition therefor by the
10 representative or by any other person interested in the estate
11 or, in the case of an estate of a ward by any other person, the
12 court shall order a citation to issue for the appearance before
13 it of any person whom the petitioner believes (1) to have
14 concealed, converted or embezzled or to have in his possession
15 or control any personal property, books of account, papers or
16 evidences of debt or title to lands which belonged to a person
17 whose estate is being administered in that court or which
18 belongs to his estate or to his representative or (2) to have
19 information or knowledge withheld by the respondent from the
20 representative and needed by the representative for the
21 recovery of any property by suit or otherwise. The petition
22 shall contain a request for the relief sought.

23 (b) The citation must be served not less than 10 days

1 before the return day designated in the citation and must be
2 served and returned in the manner provided for summons in civil
3 cases. If there is a personal representative who is not the
4 respondent, notice of the proceeding shall be given by mail or
5 in person to the personal representative not less than 5 days
6 before the return day designated in the citation.

7 (c) If the representative is the respondent, the court may
8 appoint a special administrator to represent the estate. The
9 court may permit the special administrator to prosecute or
10 defend an appeal.

11 (d) The court may examine the respondent on oath whether or
12 not the petitioner has proved the matters alleged in the
13 petition, may hear the evidence offered by any party, may
14 determine all questions of title, claims of adverse title and
15 the right of property and may enter such orders and judgment as
16 the case requires. If the respondent refuses to answer proper
17 questions put to him or refuses to obey the court's order to
18 deliver any personal property or, if converted, its proceeds or
19 value, or books of account, papers or evidences of debt or
20 title to lands, the court may commit him to jail until he
21 complies with the order of the court or is discharged by due
22 course of law and the court may enforce its order against the
23 respondent's real and personal property in the manner in which
24 judgments for the payment of money are enforced. The court may
25 tax the costs of the proceeding against the respondent and
26 enter judgment therefor against him.

1 (Source: P.A. 89-396, eff. 8-20-95.)

2 (Text of Section after amendment by P.A. 99-93)

3 Sec. 16-1. Citation on behalf of estate.†

4 (a) Upon the filing of a petition therefor by the
5 representative or by any other person interested in the estate
6 or, in the case of an estate of a ward by any other person, the
7 court shall order a citation to issue for the appearance before
8 it of any person whom the petitioner believes† (1) to have
9 concealed, converted or embezzled or to have ~~or had~~ in his
10 possession or control any ~~assets,~~ personal property, books of
11 account, papers or evidences of debt or title to lands which
12 belonged to a person whose estate is being administered in that
13 court or which belongs to his estate or to his representative
14 or † (2) to have information or knowledge withheld by the
15 respondent from the representative and needed by the
16 representative for the recovery of any property by suit or
17 otherwise; ~~or (3) may be liable to the estate of a ward~~
18 ~~pursuant to any civil cause of action.~~ The petition shall
19 contain a request for the relief sought.

20 (b) The citation must be served not less than 10 days
21 before the return day designated in the citation and must be
22 served and returned in the manner provided for summons in civil
23 cases. If there is a personal representative who is not the
24 respondent, notice of the proceeding shall be given by mail or
25 in person to the personal representative not less than 5 days

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18 respondent's real and personal property in the manner in which
19 judgments for the payment of money are enforced. The court may
20 tax the costs of the proceeding against the respondent and
21 enter judgment therefor against him.

22 (Source: P.A. 99-93, eff. 1-1-16.)

23 Section 95. No acceleration or delay. Where this Act makes
24 changes in a statute that is represented in this Act by text
25 that is not yet or no longer in effect (for example, a Section

1 represented by multiple versions), the use of that text does
2 not accelerate or delay the taking effect of (i) the changes
3 made by this Act or (ii) provisions derived from any other
4 Public Act.

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.