

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 Guardianship and Advocacy Act is amended by
5 changing Section 33.5 as follows:

6 (20 ILCS 3955/33.5)

7 Sec. 33.5. Guardianship training program. The State
8 Guardian shall provide a training program that outlines the
9 duties and responsibilities of guardians appointed under
10 Article XIa of the Probate Act of 1975. The training program
11 shall be offered to courts at no cost, and shall outline the
12 responsibilities of a guardian and the rights of a person
13 under ~~with a disability in a guardianship proceeding under~~
14 ~~Article XIa of the Probate Act of 1975.~~ The training program
15 shall have two components: one for guardians of the person and
16 another for guardians of the estate. The State Guardian shall
17 determine the content of the training. The component for
18 guardians of the person shall ~~also~~ include content regarding
19 Alzheimer's disease and dementia, including, but not limited
20 to, the following topics: effective communication strategies;
21 best practices for interacting with people living with
22 Alzheimer's disease or related forms of dementia; and
23 strategies for supporting people living with Alzheimer's

1 disease or related forms of dementia in exercising their
2 rights. In developing the training program content, the State
3 Guardian shall consult with the courts, State and national
4 guardianship organizations, public guardians, advocacy
5 organizations, and persons and family members with direct
6 experience with adult guardianship. In the preparation and
7 dissemination of training materials, the State Guardian shall
8 give due consideration to making the training materials
9 accessible to persons with disabilities.

10 (Source: P.A. 103-64, eff. 1-1-24.)

11 Section 10. The Probate Act of 1975 is amended by changing
12 Section 11a-12, 11a-17, and 11a-18 as follows:

13 (755 ILCS 5/11a-12) (from Ch. 110 1/2, par. 11a-12)

14 Sec. 11a-12. Order of appointment.

15 (a) If basis for the appointment of a guardian as
16 specified in Section 11a-3 is not found, the court shall
17 dismiss the petition.

18 (b) If the respondent is adjudged to be a person with a
19 disability and to lack some but not all of the capacity as
20 specified in Section 11a-3, and if the court finds that
21 guardianship is necessary for the protection of the person
22 with a disability, his or her estate, or both, the court shall
23 appoint a limited guardian for the respondent's person or
24 estate or both. The court shall enter a written order stating

1 the factual basis for its findings and specifying the duties
2 and powers of the guardian and the legal disabilities to which
3 the respondent is subject.

4 (c) If the respondent is adjudged to be a person with a
5 disability and to be totally without capacity as specified in
6 Section 11a-3, and if the court finds that limited
7 guardianship will not provide sufficient protection for the
8 person with a disability, his or her estate, or both, the court
9 shall appoint a plenary guardian for the respondent's person
10 or estate or both. The court shall enter a written order
11 stating the factual basis for its findings.

12 (d) The selection of the guardian shall be in the
13 discretion of the court, which shall give due consideration to
14 the preference of the person with a disability as to a
15 guardian, as well as the qualifications of the proposed
16 guardian, in making its appointment. However, the paramount
17 concern in the selection of the guardian is the best interests
18 and well-being of the person with a disability.

19 One person or agency may be appointed a limited or plenary
20 guardian of the person and another person or corporate trustee
21 appointed as a limited or plenary guardian of the estate. If
22 different persons are appointed, the court shall consider the
23 factors set forth in subsection (b-5) of Section 11a-5. The
24 court shall enter a written order stating the factual basis
25 for its findings.

26 (e) The order of appointment of a guardian ~~of the person~~

1 shall include the requirement that the guardian ~~of the person~~
2 complete the training program as provided in Section 33.5 of
3 the Guardianship and Advocacy Act that outlines the
4 responsibilities of the guardian ~~of the person~~ and the rights
5 of the person under guardianship and file with the court a
6 certificate of completion within one year from the date of
7 issuance of the letters of guardianship, except that: (1) the
8 chief judge of any circuit may order implementation of another
9 training program by a suitable provider containing
10 substantially similar content; (2) employees of the Office of
11 the State Guardian, public guardians, attorneys currently
12 authorized to practice law, corporate fiduciaries, and persons
13 certified by the Center for Guardianship Certification are
14 exempt from this training requirement; and (3) the court may,
15 for good cause shown, exempt from this requirement an
16 individual not otherwise listed in item (2). For the purposes
17 of this subsection (e), good cause may be proven by affidavit.
18 If the court finds good cause to exempt an individual from the
19 training requirement, the order of appointment shall so state.
20 (Source: P.A. 102-72, eff. 1-1-22; 102-770, eff. 1-1-23.)

21 (755 ILCS 5/11a-17) (from Ch. 110 1/2, par. 11a-17)

22 Sec. 11a-17. Duties of personal guardian.

23 (a) To the extent ordered by the court and under the
24 direction of the court, the guardian of the person shall have
25 custody of the ward and the ward's minor and adult dependent

1 children and shall procure for them and shall make provision
2 for their support, care, comfort, health, education and
3 maintenance, and professional services as are appropriate, but
4 the ward's spouse may not be deprived of the custody and
5 education of the ward's minor and adult dependent children,
6 without the consent of the spouse, unless the court finds that
7 the spouse is not a fit and competent person to have that
8 custody and education. The guardian shall assist the ward in
9 the development of maximum self-reliance and independence. The
10 guardian of the person may petition the court for an order
11 directing the guardian of the estate to pay an amount
12 periodically for the provision of the services specified by
13 the court order. If the ward's estate is insufficient to
14 provide for education and the guardian of the ward's person
15 fails to provide education, the court may award the custody of
16 the ward to some other person for the purpose of providing
17 education. If a person makes a settlement upon or provision
18 for the support or education of a ward, the court may make an
19 order for the visitation of the ward by the person making the
20 settlement or provision as the court deems proper. A guardian
21 of the person may not admit a ward to a mental health facility
22 except at the ward's request as provided in Article IV of the
23 Mental Health and Developmental Disabilities Code and unless
24 the ward has the capacity to consent to such admission as
25 provided in Article IV of the Mental Health and Developmental
26 Disabilities Code.

1 (a-3) If a guardian of an estate has not been appointed,
2 the guardian of the person may, without an order of court,
3 open, maintain, and transfer funds to an ABLE account on
4 behalf of the ward and the ward's minor and adult dependent
5 children as specified under Section 16.6 of the State
6 Treasurer Act.

7 (a-5) If the ward filed a petition for dissolution of
8 marriage under the Illinois Marriage and Dissolution of
9 Marriage Act before the ward was adjudicated a person with a
10 disability under this Article, the guardian of the ward's
11 person and estate may maintain that action for dissolution of
12 marriage on behalf of the ward. Upon petition by the guardian
13 of the ward's person or estate, the court may authorize and
14 direct a guardian of the ward's person or estate to file a
15 petition for dissolution of marriage or to file a petition for
16 legal separation or declaration of invalidity of marriage
17 under the Illinois Marriage and Dissolution of Marriage Act on
18 behalf of the ward if the court finds by clear and convincing
19 evidence that the relief sought is in the ward's best
20 interests. In making its determination, the court shall
21 consider the standards set forth in subsection (e) of this
22 Section.

23 (a-10) Upon petition by the guardian of the ward's person
24 or estate, the court may authorize and direct a guardian of the
25 ward's person or estate to consent, on behalf of the ward, to
26 the ward's marriage pursuant to Part II of the Illinois

1 Marriage and Dissolution of Marriage Act if the court finds by
2 clear and convincing evidence that the marriage is in the
3 ward's best interests. In making its determination, the court
4 shall consider the standards set forth in subsection (e) of
5 this Section. Upon presentation of a court order authorizing
6 and directing a guardian of the ward's person and estate to
7 consent to the ward's marriage, the county clerk shall accept
8 the guardian's application, appearance, and signature on
9 behalf of the ward for purposes of issuing a license to marry
10 under Section 203 of the Illinois Marriage and Dissolution of
11 Marriage Act.

12 (b) If the court directs, the guardian of the person shall
13 file with the court at intervals indicated by the court, a
14 report that shall state briefly: (1) the current mental,
15 physical, and social condition of the ward and the ward's
16 minor and adult dependent children; (2) their present living
17 arrangement, and a description and the address of every
18 residence where they lived during the reporting period and the
19 length of stay at each place; (3) a summary of the medical,
20 educational, vocational, and other professional services given
21 to them; (4) a resume of the guardian's visits with and
22 activities on behalf of the ward and the ward's minor and adult
23 dependent children; (5) a recommendation as to the need for
24 continued guardianship; (6) any other information requested by
25 the court or useful in the opinion of the guardian. The Office
26 of the State Guardian shall assist the guardian in filing the

1 report when requested by the guardian. The court may take such
2 action as it deems appropriate pursuant to the report.

3 (c) Absent court order pursuant to the Illinois Power of
4 Attorney Act directing a guardian to exercise powers of the
5 principal under an agency that survives disability, the
6 guardian has no power, duty, or liability with respect to any
7 personal or health care matters covered by the agency. If the
8 Office of State Guardian or a public guardian is appointed,
9 all powers of attorney are suspended under subsection (g-1) of
10 Section 2-10 of the Illinois Power of Attorney Act. This
11 subsection (c) applies to all agencies, whenever and wherever
12 executed.

13 (d) A guardian acting as a surrogate decision maker under
14 the Health Care Surrogate Act shall have all the rights of a
15 surrogate under that Act without court order including the
16 right to make medical treatment decisions such as decisions to
17 forgo or withdraw life-sustaining treatment. Any decisions by
18 the guardian to forgo or withdraw life-sustaining treatment
19 that are not authorized under the Health Care Surrogate Act
20 shall require a court order. Nothing in this Section shall
21 prevent an agent acting under a power of attorney for health
22 care from exercising his or her authority under the Illinois
23 Power of Attorney Act without further court order, unless a
24 court has acted under Section 2-10 of the Illinois Power of
25 Attorney Act. If a guardian is also a health care agent for the
26 ward under a valid power of attorney for health care, the

1 guardian acting as agent may execute his or her authority
2 under that act without further court order.

3 (e) Decisions made by a guardian on behalf of a ward shall
4 be made in accordance with the following standards for
5 decision making. The guardian shall consider the ward's
6 current preferences to the extent the ward has the ability to
7 participate in decision making when those preferences are
8 known or reasonably ascertainable by the guardian. Decisions
9 by the guardian shall conform to the ward's current
10 preferences: (1) unless the guardian reasonably believes that
11 doing so would result in substantial harm to the ward's
12 welfare or personal or financial interests; and (2) so long as
13 such decisions give substantial weight to what the ward, if
14 competent, would have done or intended under the
15 circumstances, taking into account evidence that includes, but
16 is not limited to, the ward's personal, philosophical,
17 religious and moral beliefs, and ethical values relative to
18 the decision to be made by the guardian. Where possible, the
19 guardian shall determine how the ward would have made a
20 decision based on the ward's previously expressed preferences,
21 and make decisions in accordance with the preferences of the
22 ward. If the ward's wishes are unknown and remain unknown
23 after reasonable efforts to discern them, or if the guardian
24 reasonably believes that a decision made in conformity with
25 the ward's preferences would result in substantial harm to the
26 ward's welfare or personal or financial interests, the

1 decision shall be made on the basis of the ward's best
2 interests as determined by the guardian. In determining the
3 ward's best interests, the guardian shall weigh the reason for
4 and nature of the proposed action, the benefit or necessity of
5 the action, the possible risks and other consequences of the
6 proposed action, and any available alternatives and their
7 risks, consequences and benefits, and shall take into account
8 any other information, including the views of family and
9 friends, that the guardian believes the ward would have
10 considered if able to act for herself or himself.

11 (f) Upon petition by any interested person (including the
12 standby or short-term guardian), with such notice to
13 interested persons as the court directs and a finding by the
14 court that it is in the best interests of the person with a
15 disability, the court may terminate or limit the authority of
16 a standby or short-term guardian or may enter such other
17 orders as the court deems necessary to provide for the best
18 interests of the person with a disability. The petition for
19 termination or limitation of the authority of a standby or
20 short-term guardian may, but need not, be combined with a
21 petition to have another guardian appointed for the person
22 with a disability.

23 (g) (1) Unless there is a court order to the contrary, the
24 guardian, consistent with the standards set forth in
25 subsection (e) of this Section, shall use reasonable efforts
26 to notify the ward's known adult children, who have requested

1 notification and provided contact information, of the ward's
2 admission to a hospital, hospice, or palliative care program,
3 the ward's death, and the arrangements for the disposition of
4 the ward's remains.

5 (2) If a guardian unreasonably prevents an adult child,
6 spouse, adult grandchild, parent, or adult sibling of the ward
7 from visiting the ward, the court, upon a verified petition,
8 may order the guardian to permit visitation between the ward
9 and the adult child, spouse, adult grandchild, parent, or
10 adult sibling. In making its determination, the court shall
11 consider the standards set forth in subsection (e) of this
12 Section. The court shall not allow visitation if the court
13 finds that the ward has capacity to evaluate and communicate
14 decisions regarding visitation and expresses a desire not to
15 have visitation with the petitioner. This subsection (g) does
16 not apply to duly appointed public guardians or the Office of
17 State Guardian.

18 (Source: P.A. 101-329, eff. 8-9-19; 102-72, eff. 1-1-22;
19 102-258, eff. 8-6-21; 102-813, eff. 5-13-22.)

20 (755 ILCS 5/11a-18) (from Ch. 110 1/2, par. 11a-18)

21 Sec. 11a-18. Duties of the estate guardian.

22 (a) To the extent specified in the order establishing the
23 guardianship, the guardian of the estate shall have the care,
24 management and investment of the estate, shall manage the
25 estate frugally and shall apply the income and principal of

1 the estate so far as necessary for the comfort and suitable
2 support and education of the ward, his minor and adult
3 dependent children, and persons related by blood or marriage
4 who are dependent upon or entitled to support from him, or for
5 any other purpose which the court deems to be for the best
6 interests of the ward, and the court may approve the making on
7 behalf of the ward of such agreements as the court determines
8 to be for the ward's best interests. The guardian may make
9 disbursement of his ward's funds and estate directly to the
10 ward or other distributee or in such other manner and in such
11 amounts as the court directs. If the estate of a ward is
12 derived in whole or in part from payments of compensation,
13 adjusted compensation, pension, insurance or other similar
14 benefits made directly to the estate by the Veterans
15 Administration, notice of the application for leave to invest
16 or expend the ward's funds or estate, together with a copy of
17 the petition and proposed order, shall be given to the
18 Veterans' Administration Regional Office in this State at
19 least 7 days before the hearing on the application.

20 (a-5) The probate court, upon petition of a guardian,
21 other than the guardian of a minor, and after notice to all
22 other persons interested as the court directs, may authorize
23 the guardian to exercise any or all powers over the estate and
24 business affairs of the ward that the ward could exercise if
25 present and not under disability. The court may authorize the
26 taking of an action or the application of funds not required

1 for the ward's current and future maintenance and support in
2 any manner approved by the court as being in keeping with the
3 ward's wishes so far as they can be ascertained. The court must
4 consider the permanence of the ward's disabling condition and
5 the natural objects of the ward's bounty. In ascertaining and
6 carrying out the ward's wishes the court may consider, but
7 shall not be limited to, minimization of State or federal
8 income, estate, or inheritance taxes; and providing gifts to
9 charities, relatives, and friends that would be likely
10 recipients of donations from the ward. The ward's wishes as
11 best they can be ascertained shall be carried out, whether or
12 not tax savings are involved. Actions or applications of funds
13 may include, but shall not be limited to, the following:

14 (1) making gifts of income or principal, or both, of
15 the estate, either outright or in trust;

16 (2) conveying, releasing, or disclaiming his or her
17 contingent and expectant interests in property, including
18 marital property rights and any right of survivorship
19 incident to joint tenancy or tenancy by the entirety;

20 (3) releasing or disclaiming his or her powers as
21 trustee, personal representative, custodian for minors, or
22 guardian;

23 (4) exercising, releasing, or disclaiming his or her
24 powers as donee of a power of appointment;

25 (5) entering into contracts;

26 (6) creating for the benefit of the ward or others,

1 revocable or irrevocable trusts of his or her property
2 that may extend beyond his or her disability or life;

3 (7) exercising options of the ward to purchase or
4 exchange securities or other property;

5 (8) exercising the rights of the ward to elect benefit
6 or payment options, to terminate, to change beneficiaries
7 or ownership, to assign rights, to borrow, or to receive
8 cash value in return for a surrender of rights under any
9 one or more of the following:

10 (i) life insurance policies, plans, or benefits,

11 (ii) annuity policies, plans, or benefits,

12 (iii) mutual fund and other dividend investment
13 plans,

14 (iv) retirement, profit sharing, and employee
15 welfare plans and benefits;

16 (9) exercising his or her right to claim or disclaim
17 an elective share in the estate of his or her deceased
18 spouse and to renounce any interest by testate or
19 intestate succession or by inter vivos transfer;

20 (10) changing the ward's residence or domicile; or

21 (11) modifying by means of codicil or trust amendment
22 the terms of the ward's will or any revocable trust
23 created by the ward, as the court may consider advisable
24 in light of changes in applicable tax laws.

25 The guardian in his or her petition shall briefly outline
26 the action or application of funds for which he or she seeks

1 approval, the results expected to be accomplished thereby, and
2 the tax savings, if any, expected to accrue. The proposed
3 action or application of funds may include gifts of the ward's
4 personal property or real estate, but transfers of real estate
5 shall be subject to the requirements of Section 20 of this Act.
6 Gifts may be for the benefit of prospective legatees,
7 devisees, or heirs apparent of the ward or may be made to
8 individuals or charities in which the ward is believed to have
9 an interest. The guardian shall also indicate in the petition
10 that any planned disposition is consistent with the intentions
11 of the ward insofar as they can be ascertained, and if the
12 ward's intentions cannot be ascertained, the ward will be
13 presumed to favor reduction in the incidents of various forms
14 of taxation and the partial distribution of his or her estate
15 as provided in this subsection. The guardian shall not,
16 however, be required to include as a beneficiary or fiduciary
17 any person who he has reason to believe would be excluded by
18 the ward. A guardian shall be required to investigate and
19 pursue a ward's eligibility for governmental benefits.

20 (a-6) The guardian may, without an order of court, open,
21 maintain, and transfer funds to an ABLE account on behalf of
22 the ward and the ward's minor and adult dependent children as
23 specified under Section 16.6 of the State Treasurer Act.

24 (b) Upon the direction of the court which issued his
25 letters, a guardian may perform the contracts of his ward
26 which were legally subsisting at the time of the commencement

1 of the ward's disability. The court may authorize the guardian
2 to execute and deliver any bill of sale, deed or other
3 instrument.

4 (c) The guardian of the estate of a ward shall appear for
5 and represent the ward in all legal proceedings unless another
6 person is appointed for that purpose as guardian or next
7 friend. This does not impair the power of any court to appoint
8 a guardian ad litem or next friend to defend the interests of
9 the ward in that court, or to appoint or allow any person as
10 the next friend of a ward to commence, prosecute or defend any
11 proceeding in his behalf. Without impairing the power of the
12 court in any respect, if the guardian of the estate of a ward
13 and another person as next friend shall appear for and
14 represent the ward in a legal proceeding in which the
15 compensation of the attorney or attorneys representing the
16 guardian and next friend is solely determined under a
17 contingent fee arrangement, the guardian of the estate of the
18 ward shall not participate in or have any duty to review the
19 prosecution of the action, to participate in or review the
20 appropriateness of any settlement of the action, or to
21 participate in or review any determination of the
22 appropriateness of any fees awarded to the attorney or
23 attorneys employed in the prosecution of the action.

24 (d) Adjudication of disability shall not revoke or
25 otherwise terminate a trust which is revocable by the ward. A
26 guardian of the estate shall have no authority to revoke a

1 trust that is revocable by the ward, except that the court may
2 authorize a guardian to revoke a Totten trust or similar
3 deposit or withdrawable capital account in trust to the extent
4 necessary to provide funds for the purposes specified in
5 paragraph (a) of this Section. If the trustee of any trust for
6 the benefit of the ward has discretionary power to apply
7 income or principal for the ward's benefit, the trustee shall
8 not be required to distribute any of the income or principal to
9 the guardian of the ward's estate, but the guardian may bring
10 an action on behalf of the ward to compel the trustee to
11 exercise the trustee's discretion or to seek relief from an
12 abuse of discretion. This paragraph shall not limit the right
13 of a guardian of the estate to receive accountings from the
14 trustee on behalf of the ward.

15 (d-5) Upon a verified petition by the plenary or limited
16 guardian of the estate or the request of the ward that is
17 accompanied by a current physician's report that states the
18 ward possesses testamentary capacity, the court may enter an
19 order authorizing the ward to execute a will or codicil. In so
20 ordering, the court shall authorize the guardian to retain
21 independent counsel for the ward with whom the ward may
22 execute or modify a will or codicil.

23 (e) Absent court order pursuant to the Illinois Power of
24 Attorney Act directing a guardian to exercise powers of the
25 principal under an agency that survives disability, the
26 guardian will have no power, duty or liability with respect to

1 any property subject to the agency. If the Office of State
2 Guardian or a public guardian is appointed, all powers of
3 attorney are suspended under subsection (g-1) of Section 2-10
4 of the Illinois Power of Attorney Act. This subsection (e)
5 applies to all agencies, whenever and wherever executed.

6 (f) Upon petition by any interested person (including the
7 standby or short-term guardian), with such notice to
8 interested persons as the court directs and a finding by the
9 court that it is in the best interests of the person with a
10 disability, the court may terminate or limit the authority of
11 a standby or short-term guardian or may enter such other
12 orders as the court deems necessary to provide for the best
13 interests of the person with a disability. The petition for
14 termination or limitation of the authority of a standby or
15 short-term guardian may, but need not, be combined with a
16 petition to have another guardian appointed for the person
17 with a disability.

18 (Source: P.A. 101-329, eff. 8-9-19; 102-72, eff. 1-1-22.)

19 Section 15. The Illinois Power of Attorney Act is amended
20 by changing Section 2-10 as follows:

21 (755 ILCS 45/2-10) (from Ch. 110 1/2, par. 802-10)

22 Sec. 2-10. Agency-court relationship.

23 (a) Upon petition by any interested person, notice to the
24 agent, principal, and interested persons as the court directs

1 and a finding by the court that the principal lacks either the
2 capacity to control or the capacity to revoke the agency, the
3 court may construe a power of attorney, review the agent's
4 conduct, and grant appropriate relief including compensatory
5 damages.

6 (b) If the court finds that the agent is not acting for the
7 benefit of the principal in accordance with the terms of the
8 agency or that the agent's action or inaction, including
9 restricting or not allowing an interested person to have
10 reasonable visitation with the principal, has caused or
11 threatens substantial harm to the principal's person or
12 property in a manner not authorized or intended by the
13 principal, the court may order a guardian of the principal's
14 person or estate to exercise any powers of the principal under
15 the agency, including the power to revoke the agency, or may
16 enter such other orders without appointment of a guardian as
17 the court deems necessary to provide for the best interests of
18 the principal.

19 (c) If the court finds that the agency requires
20 interpretation, the court may construe the agency and instruct
21 the agent, but the court may not amend the agency.

22 (d) If the court finds that the agent has not acted for the
23 benefit of the principal in accordance with the terms of the
24 agency and the Illinois Power of Attorney Act, or that the
25 agent's action caused or threatened substantial harm to the
26 principal's person or property in a manner not authorized or

1 intended by the principal, then the agent shall not be
2 authorized to pay or be reimbursed from the estate of the
3 principal the attorneys' fees and costs of the agent in
4 defending a proceeding brought pursuant to this Section.

5 (e) Upon a finding that the agent's action has caused
6 substantial harm to the principal's person or property, the
7 court may assess against the agent reasonable costs and
8 attorney's fees to a prevailing party who is a provider agency
9 as defined in Section 2 of the Adult Protective Services Act, a
10 representative of the Office of the State Long Term Care
11 Ombudsman, the State Guardian, a public guardian, or a
12 governmental agency having regulatory authority to protect the
13 welfare of the principal.

14 (f) As used in this Section, the term "interested person"
15 includes (1) the principal or the agent; (2) a guardian of the
16 person, guardian of the estate, or other fiduciary charged
17 with management of the principal's property; (3) the
18 principal's spouse, parent, or descendant; (4) a person who
19 would be a presumptive heir-at-law of the principal; (5) a
20 person named as a beneficiary to receive any property,
21 benefit, or contractual right upon the principal's death, or
22 as a beneficiary of a trust created by or for the principal;
23 (6) a provider agency as defined in Section 2 of the Adult
24 Protective Services Act, a representative of the Office of the
25 State Long Term Care Ombudsman, the State Guardian, a public
26 guardian, or a governmental agency having regulatory authority

1 to protect the welfare of the principal; and (7) the
2 principal's caregiver or another person who demonstrates
3 sufficient interest in the principal's welfare.

4 (g) Except as provided in subsection (g-1) of this
5 Section, absent ~~Absent~~ court order directing a guardian to
6 exercise powers of the principal under the agency, a guardian
7 will have no power, duty or liability with respect to any
8 property subject to the agency or any personal or health care
9 matters covered by the agency. If an agent seeks guardianship
10 of the principal pursuant to the Probate Act of 1975, the
11 petition for guardianship must delineate the specific powers
12 to be granted to the guardian that are not already included in
13 the power of attorney. The petition for temporary, limited, or
14 plenary guardianship of the principal under the Probate Act of
15 1975 may include a prayer for relief to suspend a power of
16 attorney or to revoke a power of attorney in accordance with
17 subsection (b).

18 (g-1) If the Office of State Guardian or a public guardian
19 is appointed as temporary, limited, or plenary guardian of the
20 principal, any powers of attorney are suspended. Any suspended
21 agent or other interested person may seek reinstatement of a
22 suspended agency in the guardianship proceeding by showing the
23 reinstatement is in the best interests of the principal or
24 with the agreement of the Office of State Guardian or the
25 public guardian.

26 (h) Proceedings under this Section shall be commenced in

1 the county where the guardian was appointed or, if no Illinois
2 guardian is acting, then in the county where the agent or
3 principal resides or where the principal owns real property.

4 (i) This Section shall not be construed to limit any other
5 remedies available.

6 (Source: P.A. 102-72, eff. 1-1-22; 103-55, eff. 1-1-24.)