



Sen. Laura Fine

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10400HB2562sam001

LRB104 08064 JRC 25869 a

1 AMENDMENT TO HOUSE BILL 2562

2 AMENDMENT NO. _____. Amend House Bill 2562 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Guardianship and Advocacy Act is amended
5 by 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 2 components: one for guardians of the person and
16 another for guardians of the estate. The State Guardian shall

1 determine the content of the training. The component for
2 guardians of the person shall ~~also~~ include content regarding
3 Alzheimer's disease and dementia, including, but not limited
4 to, the following topics: effective communication strategies;
5 best practices for interacting with people living with
6 Alzheimer's disease or related forms of dementia; and
7 strategies for supporting people living with Alzheimer's
8 disease or related forms of dementia in exercising their
9 rights. In developing the training program content, the State
10 Guardian shall consult with the courts, State and national
11 guardianship organizations, public guardians, advocacy
12 organizations, and persons and family members with direct
13 experience with adult guardianship. In the preparation and
14 dissemination of training materials, the State Guardian shall
15 give due consideration to making the training materials
16 accessible to persons with disabilities.

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

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

20 (755 ILCS 5/11a-12) (from Ch. 110 1/2, par. 11a-12)

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

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

1 (b) If the respondent is adjudged to be a person with a
2 disability and to lack some but not all of the capacity as
3 specified in Section 11a-3, and if the court finds that
4 guardianship is necessary for the protection of the person
5 with a disability, his or her estate, or both, the court shall
6 appoint a limited guardian for the respondent's person or
7 estate or both. The court shall enter a written order stating
8 the factual basis for its findings and specifying the duties
9 and powers of the guardian and the legal disabilities to which
10 the respondent is subject.

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

19 (d) The selection of the guardian shall be in the
20 discretion of the court, which shall give due consideration to
21 the preference of the person with a disability as to a
22 guardian, as well as the qualifications of the proposed
23 guardian, in making its appointment. However, the paramount
24 concern in the selection of the guardian is the best interests
25 and well-being of the person with a disability.

26 One person or agency may be appointed a limited or plenary

1 guardian of the person and another person or corporate trustee
2 appointed as a limited or plenary guardian of the estate. If
3 different persons are appointed, the court shall consider the
4 factors set forth in subsection (b-5) of Section 11a-5. The
5 court shall enter a written order stating the factual basis
6 for its findings.

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

1 (Source: P.A. 102-72, eff. 1-1-22; 102-770, eff. 1-1-23.)".