

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

1 modifications:

2 (a) The public guardian shall monitor the ward and his care
3 and progress on a continuous basis. Monitoring shall at minimum
4 consist of monthly contact with the ward, and the receipt of
5 periodic reports from all individuals and agencies, public or
6 private, providing care or related services to the ward.

7 (b) Placement of a ward outside of the ward's home may be
8 made only after the public guardian or his representative has
9 visited the facility in which placement is proposed.

10 (c) The public guardian shall prepare an inventory of the
11 ward's belongings and assets and shall maintain insurance on
12 all of the ward's real and personal property, unless the court
13 determines, and issues an order finding, that (1) the real or
14 personal property lacks sufficient equity, (2) the estate lacks
15 sufficient funds to pay for insurance, or (3) the property is
16 otherwise uninsurable. No personal property shall be removed
17 from the ward's possession except for storage pending final
18 placement or for liquidation in accordance with this Act.

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

21 (e) The public guardian may liquidate assets of the ward to
22 pay for the costs of the ward's care and for storage of the
23 ward's personal property only after notice of such pending
24 action is given to all potential heirs at law, unless notice is
25 waived by the court; provided, however, that a person who has
26 been so notified may elect to pay for care or storage or to pay

1 fair market value of the asset or assets sought to be sold in
2 lieu of liquidation.

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

8 (g) The public guardian shall, at such intervals as the
9 court may direct, submit to the court an affidavit setting
10 forth in detail the services he has provided for the benefit of
11 the ward.

12 (h) Upon the death of the ward, the public guardian shall
13 turn over to the court-appointed administrator all of the
14 ward's assets and an account of his receipt and administration
15 of the ward's property. A guardian ad litem shall be appointed
16 for an accounting when the estate exceeds the amount set in
17 Section 25-1 of this Act for administration of small estates.

18 (i)(1) On petition of any person who appears to have an
19 interest in the estate, the court by temporary order may
20 restrain the public guardian from performing specified acts of
21 administration, disbursement or distribution, or from exercise
22 of any powers or discharge of any duties of his office, or make
23 any other order to secure proper performance of his duty, if it
24 appears to the court that the public guardian might otherwise
25 take some action contrary to the best interests of the ward.
26 Persons with whom the public guardian may transact business may

1 be made parties.

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

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

11 (k) No later than January 31 of each year, the public
12 guardian shall file an annual report with the clerk of the
13 Circuit Court, indicating, with respect to the period covered
14 by the report, the number of cases which he has handled, the
15 date on which each case was assigned, the date of termination
16 of each case which has been closed during the period, the
17 disposition of each terminated case, and the total amount of
18 fees collected during the period from each ward.

19 (l) (Blank).

20 (Source: P.A. 96-752, eff. 1-1-10.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.