

HB2338



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2338

by Rep. Michael J. Zalewski

SYNOPSIS AS INTRODUCED:

755 ILCS 5/11a-9

from Ch. 110 1/2, par. 11a-9

Amends the Probate Act of 1975. Provides that a licensed clinical psychologist may sign a report relating to the adjudication of disability when the evaluation is limited to the respondent's mental condition.

LRB098 06746 JLS 36794 b

A BILL FOR

1 AN ACT concerning probate proceedings.

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 11a-9 as follows:

6 (755 ILCS 5/11a-9) (from Ch. 110 1/2, par. 11a-9)
7 Sec. 11a-9. Report.)

8 (a) The petition for adjudication of disability and for
9 appointment of a guardian should be accompanied by a report
10 which contains (1) a description of the nature and type of the
11 respondent's disability and an assessment of how the disability
12 impacts on the ability of the respondent to make decisions or
13 to function independently; (2) an analysis and results of
14 evaluations of the respondent's mental and physical condition
15 and, where appropriate, educational condition, adaptive
16 behavior and social skills, which have been performed within 3
17 months of the date of the filing of the petition; (3) an
18 opinion as to whether guardianship is needed, the type and
19 scope of the guardianship needed, and the reasons therefor; (4)
20 a recommendation as to the most suitable living arrangement
21 and, where appropriate, treatment or habilitation plan for the
22 respondent and the reasons therefor; (5) the signatures of all
23 persons who performed the evaluations upon which the report is

1 based, one of whom shall be a licensed physician unless the
2 evaluation and report are completed by a licensed clinical
3 psychologist and the evaluation is limited to the respondent's
4 mental condition, and a statement of the certification,
5 license, or other credentials that qualify the evaluators who
6 prepared the report.

7 (b) If for any reason no report accompanies the petition,
8 the court shall order appropriate evaluations to be performed
9 by a qualified person or persons and a report prepared and
10 filed with the court at least 10 days prior to the hearing.

11 (c) Unless the court otherwise directs, any report prepared
12 pursuant to this Section shall not be made part of the public
13 record of the proceedings but shall be available to the court
14 or an appellate court in which the proceedings are subject to
15 review, to the respondent, the petitioner, the guardian, and
16 their attorneys, to the respondent's guardian ad litem, and to
17 such other persons as the court may direct.

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