

SB1308



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB1308

Introduced 2/18/2015, by Sen. Ira I. Silverstein

SYNOPSIS AS INTRODUCED:

755 ILCS 5/16-1

from Ch. 110 1/2, par. 16-1

Amends the Probate Act of 1975. Provides that the court shall order a citation to issue for the appearance before it of any person whom the petitioner believes may be liable to the estate of a ward pursuant to any civil cause of action. Makes other changes concerning persons who may be issued a citation.

LRB099 10478 HEP 30705 b

A BILL FOR

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 Sec. 16-1. Citation on behalf of estate.)

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

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

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

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

1 enter judgment therefor against him.

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