

AN ACT in relation to estates.

Be it enacted by the People of the State of Illinois,
represented in the General Assembly:

Section 5. The Probate Act of 1975 is amended by
changing Section 11a-3 as follows:

(755 ILCS 5/11a-3) (from Ch. 110 1/2, par. 11a-3)

Sec. 11a-3. Adjudication of disability; Power to appoint
guardian.

(a) Upon the filing of a petition by a reputable person
or by the alleged disabled person himself or on its own
motion, the court may adjudge a person to be a disabled
person, but only if it has been demonstrated by clear and
convincing evidence that the person is a disabled person as
defined in Section 11a-2. If the court adjudges a person to
be a disabled person, the court and may appoint (1) a
guardian of his person, if it has been demonstrated by clear
and convincing evidence that because of his disability he
lacks sufficient understanding or capacity to make or
communicate responsible decisions concerning the care of his
person, or (2) a guardian of his estate, if it has been
demonstrated by clear and convincing evidence that because of
his disability he is unable to manage his estate or financial
affairs, or (3) a guardian of his person and of his estate.

(b) Guardianship shall be utilized only as is necessary
to promote the well-being of the disabled person, to protect
him from neglect, exploitation, or abuse, and to encourage
development of his maximum self-reliance and independence.
Guardianship shall be ordered only to the extent necessitated
by the individual's actual mental, physical and adaptive
limitations.

(Source: P.A. 91-357, eff. 7-29-99.)