



Rep. Daniel Didech

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10100HB4050ham001

LRB101 12906 LNS 69996 a

1 AMENDMENT TO HOUSE BILL 4050

2 AMENDMENT NO. _____. Amend House Bill 4050 by replacing
3 everything after the enacting clause with the following:

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

1 months of the date of the filing of the petition, or a
2 psychological evaluation that has been performed within one
3 year of the date of the filing of the petition; (3) an opinion
4 as to whether guardianship is needed, the type and scope of the
5 guardianship needed, and the reasons therefor; (4) a
6 recommendation as to the most suitable living arrangement and,
7 where appropriate, treatment or habilitation plan for the
8 respondent and the reasons therefor; (5) the name, business
9 address, business telephone number, and signatures of all
10 persons who performed the evaluations upon which the report is
11 based, one of whom shall be a licensed physician, or, if
12 intellectual disability forms the basis of the petition for the
13 appoint of a guardian, a licensed clinical psychologist, and a
14 statement of the certification, license, or other credentials
15 that qualify the evaluators who prepared the report.

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

20 (b-5) Upon oral or written motion by the respondent or the
21 guardian ad litem or upon the court's own motion, the court
22 shall appoint one or more independent experts to examine the
23 respondent. Upon the filing with the court of a verified
24 statement of services rendered by the expert or experts, the
25 court shall determine a reasonable fee for the services
26 performed. If the respondent is unable to pay the fee, the

1 court may enter an order upon the petitioner to pay the entire
2 fee or such amount as the respondent is unable to pay. However,
3 in cases where the Office of State Guardian is the petitioner,
4 consistent with Section 30 of the Guardianship and Advocacy
5 Act, no expert services fees shall be assessed against the
6 Office of the State Guardian.

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

14 (Source: P.A. 98-1094, eff. 1-1-15.)".