

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 Guardianship and Advocacy Act is amended by  
5 changing Section 33.5 as follows:

6 (20 ILCS 3955/33.5)

7 Sec. 33.5. Guardianship training program. The State  
8 Guardian shall provide a training program that outlines the  
9 duties and responsibilities of guardians appointed under  
10 Article XIa of the Probate Act of 1975. The training program  
11 shall be offered to courts at no cost, and shall outline the  
12 responsibilities of a guardian and the rights of a person  
13 under ~~with a disability in a guardianship proceeding under~~  
14 ~~Article XIa of the Probate Act of 1975.~~ The training program  
15 shall have 2 components: one for guardians of the person and  
16 another for guardians of the estate. The State Guardian shall  
17 determine the content of the training. The component for  
18 guardians of the person shall ~~also~~ include content regarding  
19 Alzheimer's disease and dementia, including, but not limited  
20 to, the following topics: effective communication strategies;  
21 best practices for interacting with people living with  
22 Alzheimer's disease or related forms of dementia; and  
23 strategies for supporting people living with Alzheimer's

1 disease or related forms of dementia in exercising their  
2 rights. In developing the training program content, the State  
3 Guardian shall consult with the courts, State and national  
4 guardianship organizations, public guardians, advocacy  
5 organizations, and persons and family members with direct  
6 experience with adult guardianship. In the preparation and  
7 dissemination of training materials, the State Guardian shall  
8 give due consideration to making the training materials  
9 accessible to persons with disabilities.

10 (Source: P.A. 103-64, eff. 1-1-24.)

11 Section 10. The Probate Act of 1975 is amended by changing  
12 Section 11a-12 as follows:

13 (755 ILCS 5/11a-12) (from Ch. 110 1/2, par. 11a-12)

14 Sec. 11a-12. Order of appointment.

15 (a) If basis for the appointment of a guardian as  
16 specified in Section 11a-3 is not found, the court shall  
17 dismiss the petition.

18 (b) If the respondent is adjudged to be a person with a  
19 disability and to lack some but not all of the capacity as  
20 specified in Section 11a-3, and if the court finds that  
21 guardianship is necessary for the protection of the person  
22 with a disability, his or her estate, or both, the court shall  
23 appoint a limited guardian for the respondent's person or  
24 estate or both. The court shall enter a written order stating

1 the factual basis for its findings and specifying the duties  
2 and powers of the guardian and the legal disabilities to which  
3 the respondent is subject.

4 (c) If the respondent is adjudged to be a person with a  
5 disability and to be totally without capacity as specified in  
6 Section 11a-3, and if the court finds that limited  
7 guardianship will not provide sufficient protection for the  
8 person with a disability, his or her estate, or both, the court  
9 shall appoint a plenary guardian for the respondent's person  
10 or estate or both. The court shall enter a written order  
11 stating the factual basis for its findings.

12 (d) The selection of the guardian shall be in the  
13 discretion of the court, which shall give due consideration to  
14 the preference of the person with a disability as to a  
15 guardian, as well as the qualifications of the proposed  
16 guardian, in making its appointment. However, the paramount  
17 concern in the selection of the guardian is the best interests  
18 and well-being of the person with a disability.

19 One person or agency may be appointed a limited or plenary  
20 guardian of the person and another person or corporate trustee  
21 appointed as a limited or plenary guardian of the estate. If  
22 different persons are appointed, the court shall consider the  
23 factors set forth in subsection (b-5) of Section 11a-5. The  
24 court shall enter a written order stating the factual basis  
25 for its findings.

26 (e) The order of appointment of a guardian ~~of the person~~

1 shall include the requirement that the guardian ~~of the person~~  
2 complete the training program as provided in Section 33.5 of  
3 the Guardianship and Advocacy Act that outlines the  
4 responsibilities of the guardian of the person and the rights  
5 of the person under guardianship and file with the court a  
6 certificate of completion within one year from the date of  
7 issuance of the letters of guardianship, except that: (1) the  
8 chief judge of any circuit may order implementation of another  
9 training program by a suitable provider containing  
10 substantially similar content; (2) employees of the Office of  
11 the State Guardian, public guardians, attorneys currently  
12 authorized to practice law, corporate fiduciaries, and persons  
13 certified by the Center for Guardianship Certification are  
14 exempt from this training requirement; and (3) the court may,  
15 for good cause shown, exempt from this requirement an  
16 individual not otherwise listed in item (2). For the purposes  
17 of this subsection (e), good cause may be proven by affidavit.  
18 If the court finds good cause to exempt an individual from the  
19 training requirement, the order of appointment shall so state.  
20 (Source: P.A. 102-72, eff. 1-1-22; 102-770, eff. 1-1-23.)