

**SB2109**



**104TH GENERAL ASSEMBLY**

**State of Illinois**

**2025 and 2026**

**SB2109**

Introduced 2/7/2025, by Sen. Mike Simmons

**SYNOPSIS AS INTRODUCED:**

755 ILCS 5/16-1

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

Amends the Probate Act of 1975. Provides that upon the filing of a petition by a representative of a ward, the court must order a citation to issue for the appearance before it of any person or agent of a financial institution that the petitioner believes to have improperly withheld or concealed the assets of a person with a disability. Provides that the petition must contain a request for the relief sought. Provides that it is improper for a financial institution to fail to comply with a representative's directions regarding the collection, transfer, distribution, or delivery of the assets of a person with a disability upon presentation of the representative's letters of office or a court order directing the collection, transfer, distribution, or delivery of the assets of a person with a disability.

LRB104 11232 JRC 21314 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  
12           before it of any person whom the petitioner believes (1) to  
13           have concealed, converted or embezzled or to have in his  
14           possession or control any personal property, books of account,  
15           papers or evidences of debt or title to lands which belonged to  
16           a person whose estate is being administered in that court or  
17           which belongs to his estate or to his representative or (2) to  
18           have information or knowledge withheld by the respondent from  
19           the representative and needed by the representative for the  
20           recovery of any property by suit or otherwise. The petition  
21           shall contain a request for the relief sought.

22           (a-5) Upon the filing of a petition by a representative of  
23           a ward, the court shall order a citation to issue for the

1       appearance before it of any person or agent of a financial  
2       institution that the petitioner believes to have improperly  
3       withheld or concealed the assets of a person with a  
4       disability. The petition must contain a request for the relief  
5       sought. It is improper for a financial institution to fail to  
6       comply with a representative's directions regarding the  
7       collection, transfer, distribution, or delivery of the assets  
8       of a person with a disability upon presentation of the  
9       representative's letters of office or a court order directing  
10       the collection, transfer, distribution, or delivery of the  
11       assets of a person with a disability.

12       (b) The citation must be served not less than 10 days  
13       before the return day designated in the citation and must be  
14       served and returned in the manner provided for summons in  
15       civil cases. If there is a personal representative who is not  
16       the respondent, notice of the proceeding shall be given by  
17       mail or in person to the personal representative not less than  
18       5 days before the return day designated in the citation.

19       (c) If the representative is the respondent, the court may  
20       appoint a special administrator to represent the estate. The  
21       court may permit the special administrator to prosecute or  
22       defend an appeal.

23       (d) The court may examine the respondent on oath whether  
24       or not the petitioner has proved the matters alleged in the  
25       petition, may hear the evidence offered by any party, may  
26       determine all questions of title, claims of adverse title and

1 the right of property and may enter such orders and judgment as  
2 the case requires. If the respondent refuses to answer proper  
3 questions put to him or refuses to obey the court's order to  
4 deliver any personal property or, if converted, its proceeds  
5 or value, or books of account, papers or evidences of debt or  
6 title to lands, the court may commit him to jail until he  
7 complies with the order of the court or is discharged by due  
8 course of law and the court may enforce its order against the  
9 respondent's real and personal property in the manner in which  
10 judgments for the payment of money are enforced. The court may  
11 tax the costs of the proceeding against the respondent and  
12 enter judgment therefor against him.

13 (Source: P.A. 99-93, eff. 1-1-16; 99-497, eff. 1-29-16.)