



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

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.)