**Section 301.30 Assessment of Fees**

a) Assessment – In General

1) Except as provided in subsections (c) and (e), all wards with liquid assets on the date of the OSG's appointment shall be assessed a one-time case opening fee for establishment of the case by OSG. Rates are set forth in Section 301.60. Case opening fees shall be assessed for each appointment, including a re-appointment as guardian for the same ward more than 6 months after the termination of a prior appointment, temporary or otherwise, involving similar powers and duties.

2) A monthly fee for guardianship services other than petitioning for appointment of guardians and sale or management of real or personal property shall be assessed against all wards with liquid assets on any day during the month, in accordance with the schedule set forth in Section 301.60. In addition, in all cases in which OSG serves as representative payee under programs administered by the Social Security Administration, the Railroad Retirement Board, or similar programs, or serves as protective payee for the receipt of private pension funds, the fee for providing representative payee services shall be in accordance with Social Security Administration and Railroad Retirement Board regulations and/or guidelines.

3) Fees for guardianship petitioning services shall be assessed upon the entry of a court order finally disposing of the petition for appointment of a guardian, in accordance with the schedule set forth in Section 301.60. Guardianship petitioning fees shall be in addition to case opening fees, monthly guardianship services fees, and fees for the sale or management of real or personal property.

4) Fees for the sale of real or personal property shall be assessed when a sale is completed, or at the time of the final account. If no sale takes place during the OSG's term as guardian, fees for management of real or personal property shall be assessed at the time of the final account, in either case, in accordance with the fee schedule set forth in Section 301.60. Fees for the sale or management of a ward's property shall be in addition to case opening, monthly guardianship services, and guardianship petitioning fees, in accordance with the fee schedule in Section 301.60.

5) No fees for guardianship services shall be assessed on estates if OSG determines that financial hardship would result for the ward.

b) Assessments – Valuation of Property. When OSG seeks to assess fees for the management of property that is not sold during the course of administration of a ward's estate, the value of the property in question shall be estimated by any reasonable methods acceptable to the court. Unless specifically ordered by the court to do so, OSG shall not retain an appraiser at estate expense to establish the value of a ward's property if the appraisal is not otherwise required for responsible management of the estate.

c) Assessments – Court Approval. All fee assessments made by OSG shall be subject to court approval.

d) Assessments – On Exhausted Estates

1) In estates that may be exhausted by existing claims, OGS may petition for its fees in spite of the fact that the granting of these fees by the court might result in some or all of these claims going totally or partially unpaid.

2) Proper notice of the petition for fees shall be mailed to each known claimant before the hearing is to take place.

e) Assessments – On Entitlements. Fees shall not be assessed on income or support derived from Medicaid or TANF. Income or support derived from Social Security and Medicare shall be subject to OSG fee assessment unless the funds have been expressly earmarked for another purpose.

(Source: Amended at 44 Ill. Reg. 11800, effective June 30, 2020)