

HB2442



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2442

by Rep. Sue Scherer

SYNOPSIS AS INTRODUCED:

755 ILCS 5/18-10

from Ch. 110 1/2, par. 18-10

Amends the Probate Act of 1975. Provides that the fees incurred by a public guardian for services related to guardianship duties are a first class claim against the estate of a decedent.

LRB101 07953 LNS 53009 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 18-10 as follows:

6 (755 ILCS 5/18-10) (from Ch. 110 1/2, par. 18-10)

7 Sec. 18-10. Classification of claims against decedent's
8 estate. All claims against the estate of a decedent are divided
9 into classes in the manner following:

10 1st: Funeral and burial expenses, expenses of
11 administration, fees incurred under subsection (b) of Section
12 13-3.1, and statutory custodial claims. For the purposes of
13 this paragraph, funeral and burial expenses paid by any person,
14 including a surviving spouse, are funeral and burial expenses;
15 and funeral and burial expenses include reasonable amounts paid
16 for a burial space, crypt or niche, a marker on the burial
17 space, care of the burial space, crypt or niche, and interest
18 on these amounts. Interest on these amounts shall accrue
19 beginning 60 days after issuance of letters of office to the
20 representative of the decedent's estate, or if no such letters
21 of office are issued, then beginning 60 days after those
22 amounts are due, up to the rate of 9% per annum as allowed by
23 contract or law.

1 2nd: The surviving spouse's or child's award.

2 3rd: Debts due the United States.

3 4th: Reasonable and necessary medical, hospital, and
4 nursing home expenses for the care of the decedent during the
5 year immediately preceding death; and money due employees of
6 the decedent of not more than \$800 for each claimant for
7 services rendered within 4 months prior to the decedent's
8 death.

9 5th: Money and property received or held in trust by
10 decedent which cannot be identified or traced.

11 6th: Debts due this State and any county, township, city,
12 town, village or school district located within this State.

13 7th: All other claims.

14 (Source: P.A. 100-1079, eff. 8-24-18.)