

SB4011



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB4011

Introduced 1/21/2022, by Sen. Thomas Cullerton

SYNOPSIS AS INTRODUCED:

755 ILCS 5/23-2

from Ch. 110 1/2, par. 23-2

Amends the Resignation And Removal Of Representative Article of the Probate Act of 1975. Provides that a guardian ad litem may be removed for good cause for: failure to comply with the duties of a guardian ad litem; committing any criminal or unlawful act that reflects adversely on the guardian ad litem's honesty, trustworthiness, or fitness as a guardian ad litem; in the performance of guardian ad litem duties, by words or conduct, manifesting bias or prejudice based upon race, color, sex, religion, national origin, disability, age, sexual orientation, or socioeconomic status; or engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

LRB102 24363 LNS 33597 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 23-2 as follows:

6 (755 ILCS 5/23-2) (from Ch. 110 1/2, par. 23-2)

7 Sec. 23-2. Removal.

8 (a) On petition of any interested person or on the court's
9 own motion, the court may remove a representative if:

10 (1) the representative is acting under letters secured
11 by false pretenses;

12 (2) the representative is adjudged a person subject to
13 involuntary admission under the Mental Health and
14 Developmental Disabilities Code or is adjudged a person
15 with a disability;

16 (3) the representative is convicted of a felony;

17 (4) the representative wastes or mismanages the
18 estate;

19 (5) the representative conducts himself or herself in
20 such a manner as to endanger any co-representative or the
21 surety on the representative's bond;

22 (6) the representative fails to give sufficient bond
23 or security, counter security or a new bond, after being

1 ordered by the court to do so;

2 (7) the representative fails to file an inventory or
3 accounting after being ordered by the court to do so;

4 (8) the representative conceals himself or herself so
5 that process cannot be served upon the representative or
6 notice cannot be given to the representative;

7 (9) the representative becomes incapable of or
8 unsuitable for the discharge of the representative's
9 duties; or

10 (10) there is other good cause.

11 (a-5) A guardian ad litem may be removed for good cause
12 for:

13 (1) failure to comply with the duties of a guardian ad
14 litem established in paragraph (2) of subsection (a) of
15 Section 506 of the Illinois Marriage and Dissolution of
16 Marriage Act;

17 (2) committing any criminal or unlawful act that
18 reflects adversely on the guardian ad litem's honesty,
19 trustworthiness, or fitness as a guardian ad litem;

20 (3) in the performance of guardian ad litem duties, by
21 words or conduct, manifesting bias or prejudice based upon
22 race, color, sex, religion, national origin, disability,
23 age, sexual orientation, or socioeconomic status; or

24 (4) engaging in conduct involving dishonesty, fraud,
25 deceit, or misrepresentation.

26 (b) If the representative becomes a nonresident of the

1 United States, the court may remove the representative as such
2 representative.

3 (Source: P.A. 99-143, eff. 7-27-15.)