



Rep. Roger L. Eddy

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09400HB3415ham002

LRB094 09228 LCB 44519 a

1 AMENDMENT TO HOUSE BILL 3415

2 AMENDMENT NO. _____. Amend House Bill 3415, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Probate Act of 1975 is amended by changing
6 Sections 11-3 and 11a-5 as follows:

7 (755 ILCS 5/11-3) (from Ch. 110 1/2, par. 11-3)

8 Sec. 11-3. Who may act as guardian.

9 (a) A person ~~who has attained the age of 18 years, is a~~
10 ~~resident of the United States, is not of unsound mind, is not~~
11 ~~an adjudged disabled person as defined in this Act, has not~~
12 ~~been convicted of a felony, and who the court finds is capable~~
13 ~~of providing an active and suitable program of guardianship for~~
14 ~~the minor~~ is qualified to act as guardian of the person and as
15 guardian of the estate if the court finds that the proposed
16 guardian is capable of providing an active and suitable program
17 of guardianship for the minor and that the proposed guardian:

18 (1) has attained the age of 18 years;

19 (2) is a resident of the United States;

20 (3) is not of unsound mind;

21 (4) is not an adjudged disabled person as defined in
22 this Act; and

23 (5) has not been convicted of a felony, unless the
24 court finds appointment of the person convicted of a felony

1 to be in the minor's best interests, and as part of the
2 best interest determination, the court has considered the
3 nature of the offense, the date of offense, and the
4 evidence of the proposed guardian's rehabilitation. No
5 person shall be appointed who has been convicted of a
6 felony involving harm or threat to a child, including a
7 felony sexual offense.

8 One person may be appointed guardian of the person and another
9 person appointed guardian of the estate.

10 (b) The Department of Human Services or the Department of
11 Children and Family Services may with the approval of the court
12 designate one of its employees to serve without fees as
13 guardian of the estate of a minor patient in a State mental
14 hospital or a resident in a State institution when the value of
15 the personal estate does not exceed \$1,000.

16 (Source: P.A. 89-507, eff. 7-1-97; 90-430, eff. 8-16-97;
17 90-472, eff. 8-17-97.)

18 (755 ILCS 5/11a-5) (from Ch. 110 1/2, par. 11a-5)

19 Sec. 11a-5. Who may act as guardian.

20 (a) ~~A person who has attained the age of 18 years, is a~~
21 ~~resident of the United States, is not of unsound mind, is not~~
22 ~~an adjudged disabled person as defined in this Act, has not~~
23 ~~been convicted of a felony, and who the court finds is capable~~
24 ~~of providing an active and suitable program of guardianship for~~
25 ~~the disabled person~~ is qualified to act as guardian of the
26 person and as guardian of the estate of a disabled person if
27 the court finds that the proposed guardian is capable of
28 providing an active and suitable program of guardianship for
29 the disabled person and that the proposed guardian:

30 (1) has attained the age of 18 years;

31 (2) is a resident of the United States;

32 (3) is not of unsound mind;

33 (4) is not an adjudged disabled person as defined in

1 this Act; and

2 (5) has not been convicted of a felony, unless the
3 court finds appointment of the person convicted of a felony
4 to be in the disabled person's best interests, and as part
5 of the best interest determination, the court has
6 considered the nature of the offense, the date of offense,
7 and the evidence of the proposed guardian's
8 rehabilitation. No person shall be appointed who has been
9 convicted of a felony involving harm or threat to an
10 elderly or disabled person, including a felony sexual
11 offense.

12 (b) Any public agency, or not-for-profit corporation found
13 capable by the court of providing an active and suitable
14 program of guardianship for the disabled person, taking into
15 consideration the nature of such person's disability and the
16 nature of such organization's services, may be appointed
17 guardian of the person or of the estate, or both, of the
18 disabled person. The court shall not appoint as guardian an
19 agency which is directly providing residential services to the
20 ward. One person or agency may be appointed guardian of the
21 person and another person or agency appointed guardian of the
22 estate.

23 (c) Any corporation qualified to accept and execute trusts
24 in this State may be appointed guardian of the estate of a
25 disabled person.

26 (Source: P.A. 90-430, eff. 8-16-97; 90-472, eff. 8-17-97.)

27 Section 99. Effective date. This Act takes effect upon
28 becoming law."