

IN THE CIRCUIT COURT
FOR THE @ JUDICIAL CIRCUIT OF ILLINOIS
@ COUNTY, @, ILLINOIS
PROBATE DIVISION

In the Matter of the Estate of)
)
@) No.
)
)
A Disabled Person.)

**PETITION FOR APPOINTMENT OF
PLENARY GUARDIAN FOR DISABLED PERSON**

@ on oath states:

1. @, whose date of birth is @ and place of residence is @, Illinois, is a disabled person.
2. The relationship to and interest of the Petitioner in the respondent is: @
3. The reason for the guardianship is that the Respondent is a disabled person due to @ and because of such disability:
 - a. Lacks sufficient understanding and capacity to make and communicate reasonable decisions concerning the care of his/her person, and
 - b. Is unable to manage his/her estate or financial affairs.
4. No guardian has been appointed for the respondent in any jurisdiction (and the respondent (has an agent or agents/has no agent or agents) under any power of attorney. *(If respondent has agent insert name)*)
5. The names and post office addresses of the Respondent's nearest relatives and Agent under a Power of Attorney, if any, are listed on Exhibit A attached hereto and made a part of this Petition.
6. The petitioner, @, resides at @, Illinois, is @ years of age, and is @(occupation). Petitioner is over the age of 18, has not been adjudged disabled, is not of unsound mind, and is not a felon.

- 7 a. The approximate value of the Respondent's estate is:
- | | |
|----------|-----|
| Personal | \$@ |
| Real | \$@ |
- b. The anticipated gross annual income and other receipts of the Respondent are \$@.
8. A guardian is necessary for the immediate welfare and protection of the Respondent because the Respondent (a) lacks sufficient understanding to make or communicate responsible decisions concerning the care of Respondent's person; and (b) is unable to manage the Respondent's estate or financial affairs.

Petitioner asks that:

- a. @ be adjudged a disabled person;
- b. Guardian ad litem be waived;
- c. @ of @, Illinois, who is qualified and willing to act, be appointed as temporary and plenary guardian of the respondent's estate and person.

@
Street Address
City, State, Zip

Prepared by:

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In the Matter of the Estate of _____)
)
@ _____) No. _____
)
)
)
an alleged Disabled Person.)

REPORT

_____, a physician licensed to practice medicine in all its branches in the State of Illinois, submits the following report on @, alleged disabled person, based on an examination of the respondent on _____, 20____.

NOTE: The examination must have occurred no earlier than three months before the petition for guardianship is filed. (Attach additional pages as necessary.)

1. Describe the nature and type of the respondent=s disability and provide an assessment of how the disability impacts the ability of the respondent to make decisions or to function independently: (Please state underlying diagnosis, as well as manifestations of disability)

2. Provide an analysis and results of evaluations of the respondent=s mental and physical condition and, where appropriate, describe educational condition, adaptive behavior and social skills:

3. State whether, in your opinion, the respondent is **TOTALLY** or only **PARTIALLY** incapable of making **PERSONAL** and **FINANCIAL** decisions, and, if the latter, the kinds of decisions which the respondent can and cannot make. Include the reasons for this opinion:

4. What, in your opinion, is the most appropriate living arrangement for the respondent and, if applicable, describe the most appropriate treatment or habitation plan. Include reasons for your opinion:

5. Provide a statement describing the certification, license, or other credentials of the physician preparing this report.

Signed* _____

Address _____

City, State & Zip _____

Telephone _____

License #

* * * * *

*This report must be signed by a physician. If the description of the respondent's mental, physical and educational condition, adaptive behavior or social skills is based on evaluations by other professionals, all professionals preparing evaluations must also sign the report. Evaluations on which the report is based must have been performed within three months of the date of the filing of the petition.

Information and signatures of other persons who performed evaluations upon which this report is based:

Name: _____

Address: _____

Certification, license or other credentials: _____

Signature

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In the Matter of the Estate of)
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A Disabled Person.)

**SUMMONS FOR APPOINTMENT OF
GUARDIAN FOR DISABLED PERSON**

**To: @
Address**

You are summoned to appear at a hearing on a petition to adjudge you a disabled person and have a guardian appointed to make decisions for you regarding yourself or your property or both. A copy of the petition is attached hereto as attachment A.

The hearing to determine whether or not a guardian will be appointed for you will be held on _____, 20____, at _____ .m., in Room _____ of the @ County Courthouse, @, Illinois.

Notice of Rights of Respondent are attached hereto as attachment B

At the hearing, you have a right to be represented by a lawyer. You have the right to attend the hearing. If you do not have a lawyer, the court will appoint one for you upon your written or oral request communicated to the court prior to or at the hearing. You have the right to request that your hearing be closed to the public. You have the right to request that an expert be appointed to examine you.

TO THE SERVER:

This summons must be served on the alleged disabled person personally not later than 14 days before the day for appearance. The summons must be returned by the officer, or other person to whom it was given for service, with

endorsement of service and fees, if any, not later than 2 days after service. If service cannot be made on the alleged disabled person personally, this summons must be returned so endorsed.

Witness _____, 20__.

Clerk of Court

(Seal of Court)

AFFIDAVIT OF SERVICE

The undersigned, being first duly sworn on oath, deposes and says that he/she personally served the *Summons for Appointment of Guardian for Disabled Person* on @, on the _____ day of _____, 20____, at _____ .m.

Subscribed and sworn to before me this _____ day of _____, 20____.

Notary Public

Prepared by:

- (2) You have the right to be represented by a lawyer, either one that you retain, or one appointed by the Judge.**
- (3) You have the right to ask for a jury of six persons to hear your case.**
- (4) You have the right to present evidence to the Court and to confront and cross-examine witnesses.**
- (5) You have the right to ask the Judge to appoint an independent expert to examine you and give an opinion about your need for a guardian.**
- (6) You have the right ask that the court hearing be closed to the public.**
- (7) You have the right to tell the Court whom you prefer to have for your Guardian.**

You do not have to attend the court hearing if you do not want to be there. If you do not attend, the Judge may appoint a Guardian if the Judge finds that a Guardian would be of benefit to you. The hearing will not be postponed or canceled if you do not attend.

IT IS VERY IMPORTANT THAT YOU ATTEND THE HEARING IF YOU DO NOT WANT A GUARDIAN OR IF YOU WANT SOMEONE OTHER THAN THE PERSON NAMED IN THE GUARDIANSHIP PETITION TO BE YOUR GUARDIAN. IF YOU DO NOT WANT A GUARDIAN OR IF YOU HAVE ANY OTHER PROBLEMS, YOU SHOULD CONTACT AN ATTORNEY OR COME TO COURT AND TELL THE JUDGE.

IN THE CIRCUIT COURT
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@ COUNTY, @, ILLINOIS
PROBATE DIVISION

IN THE MATTER OF THE)
ESTATE OF @,)
) NO. @
An alleged Disabled Person)

ORDER APPOINTING TEMPORARY GUARDIAN

On the petition of @ for appointment of temporary guardian, the court having found that the appointment is necessary for the immediate welfare and protection of the alleged disabled person and the estate:

1. It is ordered that @ is appointed temporary guardian for the respondent's estate and person and that letters of temporary guardianship issue.
2. The powers and duties of the temporary guardian are as follows:
 - a. The powers and duties of the guardian of the person shall be the powers and duties of the personal guardian enumerated in 755 ILCS 5/11a-17, and
 - b. The powers and duties of the guardian of the estate shall be the same as the duties of the guardian set forth in 755 ILCS 5/11a-18.
3. The guardian of the estate is directed to pay the respondent's living and medical expenses accrued to date and becoming due prior to the hearing on the Petition.

Dated this _____ day of _____, 20____.

CIRCUIT JUDGE

Prepared by:

IN THE CIRCUIT COURT
FOR THE @ JUDICIAL CIRCUIT OF ILLINOIS
@ COUNTY, @, ILLINOIS
PROBATE DIVISION

In the Matter of the Estate of)
)
@) No.
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A Disabled Person.)

ORDER APPOINTING PLENARY GUARDIAN FOR A DISABLED PERSON

On the verified Petition of @ for an adjudication of disability and the appointment of a guardian for the estate and person of the above named disabled person, the Court, having heard the evidence presented, finds:

1. That respondent is a disabled person and is
 - a. totally without understanding or capacity to make or communicate decisions regarding his/her person; and,
 - b. totally unable to manage his/her estate or financial affairs.
2. The factual basis for the findings of the Court is as follows:

IT IS HEREBY ORDERED THAT:

- A. @ is appointed plenary guardian of the estate and person of the disabled person.
- B. Letters of plenary guardianship shall issue in accordance with the provisions of this order.
- C. Bond is waived/approved.

- D. The guardian shall file an inventory on or before _____, 20__.
- E. The guardian shall file an accounting of the receipts and disbursements of the estate from the date of this order through _____, 20__ on or before _____, 20__.

ENTERED this _____ day of _____, 20__.

Honorable:

This document prepared by:

**IN THE CIRCUIT COURT
FOR THE @ JUDICIAL CIRCUIT OF ILLINOIS
@ COUNTY, @, ILLINOIS
PROBATE DIVISION**

**IN THE MATTER OF THE)
ESTATE OF @,)
) NO. @
A Disabled Person)**

**NOTICE OF RIGHT TO SEEK MODIFICATION OF
ADJUDICATION OF DISABILITY & APPOINTMENT OF GUARDIAN**

On the @ day of @, 20@, you were adjudged a disabled person by order of the @ County Circuit Court and @ of @, Illinois, was appointed as Guardian of your Estate and Person. This notice is to inform you of your rights under 755 ILCS 5/11a-20 to petition for termination of adjudication of disability, revocation of the Letters of Guardianship of the Estate or Person or both, or modification of the duties of the Guardian, pursuant to Section 11a-19 of the Illinois Probate Act.

The procedures you must utilize when seeking such relief are enumerated in 755 ILCS 5/11a-20 and 755 ILSC 5/11a-21, and they are as follows:

(a) Upon the filing of a petition by or on behalf of a disabled person or on its own motion, the Court may terminate the adjudication of disability of the ward, revoke the letters of guardianship of the estate or person, or both, or modify the duties of the guardian if the ward=s capacity to perform the tasks necessary for the care of his person or the management of his estate has changed so as to warrant such termination, revocation, or modification.

(b) A request by the ward under this Section may be communicated to the court or judge by any written means, including, but not limited to, informal letter. Upon receipt of a request from the ward, the court may appoint a guardian ad litem to prepare the ward=s petition and to render such other services as the court directs.

(c) Notice of the hearing on the petition under this Section, together with a copy of the petition, shall be given to the ward, unless he is the petitioner, and to the Guardian, not less than fourteen (14) days before the hearing.

Section 11a-21:

(a) The Court shall conduct a hearing on the petition filed under Section 11a-20. The ward is entitled to be represented by counsel, to demand a jury of six (6) persons, to present evidence and to confront and cross-examine all witnesses. The court (1) may appoint counsel for the ward, if the court finds that the interests of the ward will be best served by the appointment, and (2) shall appoint counsel upon the ward=s request or if the respondent takes a position adverse to that of the guardian ad litem. The court may allow the guardian ad litem and counsel for the ward reasonable compensation.

(b) If the ward is unable to pay the fee of the guardian ad litem or appointed counsel, or both, the court shall enter an order upon the State to pay, from funds appointed by the General Assembly for that purpose, all such fees or such amounts as the ward is unable to pay.

(c) Upon conclusion of the hearing, the court shall enter an order setting forth factual findings and may: (1) dismiss the petition; (2) terminate the adjudication of disability; (3) revoke the letters of the guardianship of the estate or person, or both; (4) modify the duties of the guardian; and (5) make any other order which the court deems appropriate and in the interests of the ward.

Circuit Judge

Prepared by: