

IN THE CIRCUIT COURT OF THE FOURTEENTH JUDICIAL CIRCUIT
ROCK ISLAND COUNTY, ILLINOIS
PROBATE DIVISION

NOTICE TO REPRESENTATIVE:

GUARDIANS OF THE PERSON OF A DISABLED ADULT, GUARDIANS OF THE ESTATE OF A DISABLED ADULT, GUARDIANS OF THE PERSON OF A MINOR CHILD, GUARDIANS OF THE ESTATE OF A MINOR CHILD, AND EXECUTORS AND ADMINISTRATORS OF A DECEDENT'S ESTATE

IMPORTANT NOTICE:

You have been appointed as the Court's representative and you are under an obligation to fulfill the duties of your office. If you fail to comply with your obligation to file an Annual Report and/or Annual Account or if you fail to file a Decedent's Estate Status Report and appear on the date and time of the Probate Case Management, a court order will issue summoning you to court to appear before the judge to show good cause why you have not complied with your duties of office and/or not complied with the order of the court. Noncompliance with a court order and/or your duties of office may result in sanctions which may include your removal from office and/or contempt of court proceedings against you.

A **GUARDIAN OF THE PERSON**, whether of a disabled adult or a minor child, must file with the Clerk of Court an **ANNUAL REPORT**. A sample form is available at the Circuit Clerk's Office or on the website of the Rock Island County Circuit Clerk at: <http://www.rockislandcounty.org/CourtForms/Downloads/>

An **ANNUAL REPORT** must be filed every year unless a court order signed by a judge sets a different time frame. The first ANNUAL REPORT is due before the second Monday of the 13th month after the date the initial letters of office were issued and every year thereafter. For example, if letters are issued between October 1 and October 31 of 2019, the Report must be filed no later than the second Monday in November, 2020. If you fail to file the Report, you or your attorney must appear in court on the date and time set forth on the Probate Case Management Order.

The REPORT must be signed by the guardian of the person under penalties of perjury. The original form must be filed with the Clerk of the Court. There may be a filing fee payable to the Clerk when the Report is filed. If the estate (assets and income) of the ward (disabled adult or minor child) is insufficient to pay the filing fee, the guardian may complete, sign and file with the Clerk a Petition to Sue or Defend as an Indigent Person (Petition to Waive Filing Fees). The Petition must be presented to a judge who may grant or deny the Petition.

Copies of the ANNUAL REPORT must be mailed together with a Notice of Hearing to all **interested parties**. *Interested parties* include the ward, any other guardians of the ward, the spouse

of the disabled adult, if any, or the parents of the minor child, the guardian ad litem, if the court appointed one, and any attorneys involved in the case.

If you are seeking an award of fees for the services you have rendered to the ward as the ward's guardian, you may also file a Petition for Fees or Compensation at the same time. A Petition for Fees or Compensation should include a summary of the services you provided, how much time it took you to perform the services and the amount of compensation you are seeking.

The hearing should be set for a court date at 9:00 a.m. before the probate walk-in judge or a civil walk-in judge. The original Notice of Hearing with the names and addresses of the individuals to whom you mailed the Notice of Hearing and Annual Report (and Petition for Fees, if any) with a signed and completed certificate of service, which is made a part of the Notice of Hearing, indicating when and where you mailed the documents must be filed with the Clerk.

Instead of a Notice of Hearing, you may obtain Consents signed by each interested party stating that s/he has received a copy of the Report (and Petition for Fees, if any) and s/he approves the Report (and Fees). The original signed Consents must be filed with the Clerk.

On the day of the hearing, you should check in with the Clerk of the Court, request that the court file be presented to the probate walk-in judge or a civil walk-in judge and then wait until the bailiff informs you that the judge is ready to meet with you. You should have a proposed Order Approving the Report (and Fees, if any). If the judge approves the Report (and Petition for Fees), the Judge will sign the Order(s). You must then provide a copy of the Order(s) to all of the interested parties. If the judge does not approve the Report (or Petition for Fees), the judge will tell you what will happen next.

If, in addition to being the guardian of the person, you are also the guardian of the estate, please read the Notice to Guardians of Estates, below.

A **GUARDIAN OF THE ESTATE**, whether of a disabled adult or a minor child, must file with the Clerk of Court an **ANNUAL ACCOUNT**. A sample form is available at the Circuit Clerk's office or on the website of the Rock Island County Circuit Clerk at: <http://www.rockislandcounty.org/CourtForms/Downloads/>. This form is only a suggested form. Other forms are acceptable if they include a listing of all assets, value assigned to each asset, income, expenses, and the balance on hand matches the figure one gets after deducting expenses from the assets and income.

An **ANNUAL ACCOUNT** must be filed every year unless a court order signed by a judge sets a different time frame. The first ANNUAL ACCOUNT is due before the second Monday of the 13th month after the date the initial letters of office were issued and every year thereafter. For example, if letters are issued between October 1 and October 31 of 2019, the Account must be filed no later than the second Monday in November, 2020. If you fail to file the Account, you or your attorney must appear in court on the date and time set forth on the Probate Case Management Order.

The ACCOUNT must be signed by the guardian of the estate under penalties of perjury. The original form must be filed with the Clerk of the Court. There may be a filing fee payable to the Clerk when the Account is filed. If the estate (assets and income) of the ward (disabled adult or minor child) is insufficient to pay the filing fee, the guardian may complete, sign and file with the Clerk a Petition to Sue or Defend as an Indigent Person (Petition to Waive Filing Fees). The Petition must be presented to a judge who may grant or deny the Petition.

Copies of the ANNUAL ACCOUNT must be mailed together with a Notice of Hearing to all *interested parties*. *Interested parties* include the ward, any other guardians of the ward, the spouse of the disabled adult, if any, or the parents of the minor child, the guardian ad litem, if the court appointed one, and any attorneys involved in the case. If you also serve as guardian of the person, you may seek court approval of the Report, Account and Fees, if any, at the same time.

If you are seeking an award of fees for the services you have rendered to the ward as the ward's guardian, you may also file a Petition for Fees or Compensation at the same time. A Petition for Fees or Compensation should include a summary of the services you provided, how much time it took you to perform the services and the amount of compensation you are seeking.

The hearing should be set for a court date at 9:00 a.m. before the probate walk-in judge or a civil walk-in judge. The original Notice of Hearing with the names and addresses of the individuals to whom you mailed the Notice of Hearing and Annual Account (and Petition for Fees, if any) with a signed and completed certificate of service, which is made a part of the Notice of Hearing, indicating when and where you mailed the documents must be filed with the Clerk.

Instead of a Notice of Hearing, you may obtain Consents signed by each interested party stating that s/he has received a copy of the Account (and Petition for Fees, if any) and s/he approves the Account. The original signed Consents must be filed with the Clerk.

On the day of the hearing, you should check in with the Clerk of the Court, request that the court file be presented to the probate walk-in judge or walk-in judge and then wait until the bailiff informs you that the judge is ready to meet with you. You should have a proposed Order Approving the Account (and Fees, if any, and/or Report, if any). If the judge approves the Account, the Judge will sign the Order(s). You must then provide a copy of the Order(s) to all of the interested parties. If the judge does not approve the Account (or Petition for Fees), the judge will tell you what will happen next.

EXECUTORS AND ADMINISTRATORS OF A DECEDENT'S ESTATE have a fiduciary duty to prepare and present a verified account stating the receipts and disbursements made by the representative on behalf of the estate and report all real estate and personal property on hand. If the estate has not been closed earlier, the first ACCOUNT is due before the second Monday of the 13th month after the date the initial letters of office were issued and every year thereafter. For example, if letters are issued between October 1 and October 31 of 2019, the Account must be filed no later than the second Monday in November, 2020. If the estate is being administered

under independent administration, the Account does not need to be filed with the court but the Account must be provided to all interested parties. If the estate remains open after one year, you or your attorney must complete, sign and file a **Decedent's Estate Status Report** and appear in court on the date and time set forth on the **Probate Case Management Order**. A **Decedent's Estate Status Report** is available at the Circuit Clerk's Office or on the website of the Rock Island County Circuit Clerk at: <http://www.rockislandcounty.org/CourtForms/Downloads/>