

1 TITLE 59: MENTAL HEALTH  
2 CHAPTER III: GUARDIANSHIP AND ADVOCACY COMMISSION  
3

4 PART 301  
5 FEE SCHEDULE FOR THE OFFICE OF STATE GUARDIAN  
6

7 Section  
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10 301.30 Assessment of Fees  
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14

15 AUTHORITY: Implementing and authorized by the Guardianship and Advocacy Act [20 ILCS  
16 3955] and Section 27-1 of the Probate Act of 1975 [755 ILCS 5/27-1].  
17

18 SOURCE: Adopted and codified at 6 Ill. Reg. 15019, effective November 24, 1982; amended at  
19 7 Ill. Reg. 8528, effective July 6, 1983; amended at 14 Ill. Reg. 17964, effective November 15,  
20 1990; amended at 24 Ill. Reg. 13016, effective August 21, 2000; amended at 36 Ill. Reg. \_\_\_\_\_,  
21 effective \_\_\_\_\_.  
22

23 **Section 301.20 Definitions**  
24

25 Terms are defined as follows for the purpose of this Part, unless the context requires otherwise:  
26

27 "Account" means a statement in writing of receipts and disbursements from a  
28 ward's estate by the guardian during a stated period of time.  
29

30 "Case Opening" means the internal administrative process used by OSG in  
31 establishing a temporary or ongoing guardianship case, including, but not limited  
32 to, collecting and reviewing necessary financial, legal, medical or social  
33 information pertaining to the ward or the ward's estate; opening bank or other  
34 financial accounts on the ward's behalf; assigning OSG representatives to perform  
35 guardianship responsibilities for the ward; collecting and receiving property of the  
36 ward; creating files, summaries and other documentary information necessary for  
37 the management of the ward or the ward's estate; and all other activities related to  
38 preparing for and assuming the responsibilities of guardian.  
39

40 "Commission" or "GAC" means the Guardianship and Advocacy Commission  
41 (also referred to as "GAC").  
42

43 "Court" means the probate court having jurisdiction over the ward and/or the

44 estate of a ward.  
45

46 "Estate" means all property owned by the ward, regardless of whether the Office  
47 of State Guardian is guardian of the person or estate of the ward, including, but  
48 not limited to, all cash, savings accounts, checking accounts, certificates of  
49 deposit, money market accounts, bonds, stocks or other negotiable securities or  
50 instruments, mutual fund shares, furniture, automobiles, other tangible personal  
51 property, and real estate.  
52

53 "Fee" or "Fees" means any costs assessed by the Office of State Guardian against  
54 a ward or a ward's estate for guardianship services, including case opening fees,  
55 monthly guardianship services fees, guardianship petitioning fees, and fees for the  
56 sale or management of real or personal property.  
57

58 "Fee Schedules" mean tables showing the amounts of moneys the ward or the  
59 ward's estate may be assessed for guardianship services, not including charges for  
60 outside services procured by the guardian.  
61

62 "Financial Hardship" means that the total value of liquid assets of a living ward  
63 ~~would fall below \$6,500 or the ward's estate would otherwise be inadequate to~~  
64 provide or obtain care, assistance, education, training, sustenance, housing,  
65 treatment or other goods or services vital to the well being of the ward or his or  
66 her dependents, resulting in the risk of harm to the ward or the ward's dependents.  
67 Wards residing in independent domestic settings generally fall into this category.  
68

69 "Guardian" means a court appointed guardian of the person, estate, or both, of a  
70 ward, and includes temporary, limited and plenary guardianship.  
71

72 "Guardianship Petitioning" (see, "Petitioning").  
73

74 "Guardianship Services" means work performed by the Office of State Guardian  
75 and its representatives in becoming guardian and all guardianship duties  
76 performed thereafter on behalf of a particular ward, including, but not limited to,  
77 preparation and filing of periodic reports, inventories, petitions for expenditures,  
78 current and final accounts; sale or other disposition of real or personal property;  
79 managing all assets of an estate; securing residential placements and transfers;  
80 monitoring, evaluation and consent for medical treatment and habilitation  
81 programing; appearing for and representing a ward in legal proceedings;  
82 procuring other outside services for the benefit of the ward or the ward's estate;  
83 and quarterly, annual and other visits as necessary to provide an active  
84 guardianship program.  
85

86 "Inventory" means a detailed list of all property owned by the ward that is filed

87 with the court by the guardian.  
88

89 "Liquid Assets" mean the portion of a ward's estate comprised of cash, negotiable  
90 instruments, or other similar property that is readily convertible to cash and has a  
91 readily ascertainable fixed value, including but not limited to savings accounts,  
92 checking accounts, certificates of deposit, and money market accounts, ~~corporate~~  
93 ~~or municipal bonds, U.S. savings bonds, stocks or other negotiable securities, and~~  
94 ~~mutual fund shares.~~  
95

96 "Notice of Assessment" means a prior written statement mailed, pursuant to the  
97 procedures outlined in Section 301.40(b) of this Part, to the ward or other  
98 interested party, including the ward's spouse, adult children, parents, adult  
99 siblings, and other nearest adult kindred, advising that costs shall be assessed by  
100 OSG against a ward or the ward's estate.  
101

102 "Office of State Guardian" or "OSG" ~~(also referred to as "OSG")~~ means a division  
103 of the Guardianship and Advocacy Commission, acting in its capacity as guardian  
104 of the estate, person, or both of a ward.  
105

106 "Outside Services" means those services not provided by OSG or GAC  
107 employees, including the services of attorneys, corporations, agencies,  
108 individuals, or other entities retained to represent the interests of a ward or a  
109 ward's estate, who may charge the ward's estate for services rendered, subject to  
110 court approval. The fees may be in addition to fees assessed pursuant to the OSG  
111 fee schedules.  
112

113 "Petitioning" or "Guardianship Petitioning" means the preparation, filing and  
114 litigation of guardianship petitions or petitions for the adjudication of disability of  
115 alleged disabled persons pursuant to the Probate Act of 1975 [755 ILCS 5/Art.  
116 XIa].  
117

118 "Property Management" or "Management of Property" means activities related to  
119 the discovery, possession, protection, conservation, listing for sale, auction or  
120 rental, solicitation of purchase or rental offers, title search, preparation of  
121 documents and forms, negotiations, payment of costs, fees, insurance, taxes, and  
122 penalties associated with the maintenance, operation, sale, auction or rental,  
123 participation in closing or completion of a sale or rental arrangements, and any  
124 other activities required in order for Office of State Guardian to protect, maintain  
125 or convey any interest of a ward in real or personal property, including a  
126 leasehold interest, subject to court approval.  
127

128 "Ward" means a ~~ward or a~~ disabled person as defined by Section 11a-2 of the  
129 Probate Act of 1975 [755 ILCS 5/11a-2] who is at least 18 years of age, and for

whom the Office of State Guardian has been appointed guardian.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 301.30 Assessment of Fees**

a) Assessment – In General

- 1) Except as provided in subsections (c), (e) and (f)-below, all wards with liquid assets ~~valued at \$6,500 or more~~ on the date of the OSG's appointment shall be assessed a one-time case opening fee for establishment of the case by OSG. The rate of the case opening fee shall be ~~\$300 when \$200, where OSG serves as guardian of the person, \$500 when \$300, where OSG serves as guardian of the estate, and \$1,000 when \$500, where OSG serves as guardian of both the person and estate.~~ Case opening fees shall be assessed for each appointment, including a re-appointment as guardian for the same ward more than 6 months after the termination of a prior appointment, temporary or otherwise, involving similar powers and duties.
  
- 2) A monthly fee for guardianship services other than petitioning for appointment of guardians and sale or management of real or personal property shall be assessed against all wards with liquid assets ~~valued at \$6,500 or more~~ on any day during the month. The fee for the OSG's services as guardian of the person shall be \$100 per month. The fee for the OSG's services as guardian of the estate shall be a sliding scale rate up to a maximum of ~~\$1,000~~~~\$350~~ per month, based upon the highest value of the ward's liquid assets, on any day during the month, ~~so long as the value of the ward's liquid assets is \$6,500 or more.~~ In addition, in all cases where OSG serves as representative payee under programs administered by the Social Security Administration, the Railroad Retirement Board, or similar programs, or serves as protective payee for the receipt of private pension funds, the fee for providing representative payee services shall be ~~\$25 per month~~ in accordance with Social Security Administration and Railroad Retirement Board guidelines.
  
- 3) Fees for guardianship petitioning services shall be assessed upon the entry of a court order finally disposing of the petition for appointment of a guardian. Guardianship petitioning fees shall be in addition to case opening fees, monthly guardianship services fees, and fees for the sale or management of real or personal property. The rate for guardianship petitioning fees shall be \$500 ~~determined using a sliding scale up to a maximum of \$600, based upon the value of the ward's liquid assets in~~

173 ~~excess of \$6,500 on the date of the entry of the final order disposing of the~~  
174 ~~guardianship petition, or, if a temporary guardian with powers over the~~  
175 ~~estate is appointed, on the date of that appointment.~~  
176

177 4) Fees for the sale of real or personal property shall be assessed when a sale  
178 is completed, or at the time of the final account. If no sale takes place  
179 during the OSG's term as guardian, fees for management of real or  
180 personal property shall be assessed at the time of the final account. Fees  
181 for the sale or management of a ward's property shall be in addition to  
182 case opening, monthly guardianship services and guardianship petitioning  
183 fees. The rate for real property sale fees shall be \$1,000 at the time of the  
184 sale. The rate for real property sale ~~or~~ management fees shall be  
185 determined using a sliding scale up to a maximum of \$1,000, based upon  
186 the value of the real property at the time of the sale, ~~or, if the property is~~  
187 ~~not sold,~~ at the time of the annual or final account. The rate for personal  
188 property sale or management fees shall be determined using a sliding scale  
189 up to a maximum of \$700, based upon the value of the personal property  
190 at the time of the sale, or if the property is not sold, at the time of the final  
191 account.

192  
193 5) No assessment of fees for guardianship services shall request an amount  
194 greater than that which has been established by the fee schedule in effect  
195 at the time the ward is provided notice of the assessment of fees.  
196

197 6) No fees for guardianship services shall be assessed on estates ~~smaller than~~  
198 ~~\$6,500~~ if financial hardship would result for the ward.  
199

200 b) Assessments – Valuation of Property. Where OSG seeks to assess fees for the  
201 management of property that is not sold during the course of administration of a  
202 ward's estate, the value of the property in question shall be estimated by any  
203 reasonable methods acceptable to the court. Unless specifically ordered by the  
204 court to do so, OSG shall not retain an appraiser at estate expense to establish the  
205 value of a ward's property if the appraisal is not otherwise required for responsible  
206 management of the estate.  
207

208 c) Assessments – Court Approval. All fee assessments made by OSG shall be  
209 subject to court approval.  
210

211 d) Assessments – On Exhausted Estates  
212

213 1) In estates that may be exhausted by existing claims, the Office of State  
214 Guardian may petition for its fees in spite of the fact that the granting of  
215 these fees by the court might result in some or all of these claims going

216 totally or partially unpaid.

217  
218 2) Proper notice of the petition for fees shall be mailed to each known  
219 claimant before the hearing is to take place.

220  
221 e) Assessments – On Entitlements. Fees shall not be assessed on income or support  
222 derived from Medicaid or TANF. Income or support derived from Social  
223 Security and Medicare shall be subject to OSG fee assessment unless the funds  
224 have been expressly earmarked for another purpose.

225  
226 f) Assessments – Hardship and Waiver. No fees shall be assessed if financial  
227 hardship to the ward would result. Guardianship fees will be terminated in the  
228 month following the death of the ward. ~~The Office of State Guardian may waive~~  
229 ~~fees if no substantial guardianship services have been provided the ward.~~

230  
231 (Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

232  
233 **Section 301.50 Collection of Fees**

234  
235 a) Pay Collection and Liability for Payment - In General. Office of State Guardian  
236 shall take reasonable steps to collect fees from parties holding estate funds when  
237 fees have been assessed. Liability for fee payment shall be limited to the ward's  
238 estate.

239  
240 b) Collection of Case Opening Fees. Case opening fees shall be collected by OSG  
241 upon the entry of the court's order approving its petition for fees.

242  
243 c) Collection of Monthly Fees. Monthly fees shall be collected by OSG on a regular  
244 basis at the time the fees are assessed, after entry of an order appointing Office of  
245 State Guardian but only where prior court approval has been obtained. Court  
246 approval should be obtained at the earliest reasonable opportunity.

247  
248 d) Collection of Fees For Guardianship Petitioning. Fees for guardianship  
249 petitioning shall be collected after the entry of the order appointing the guardian  
250 or other final disposition of the petition, or at the time of the next or final account.

251  
252 e) Collection of Fees for Sale or Management of Property. Fees for the sale or  
253 management of a ward's real or personal property shall be collected after the sale  
254 is completed, or at the time of the next or final account.

255  
256 f) Collection of Fees for Preparation and Filing of State or Federal Income Tax  
257 Returns. Fees for the preparation and filing of a ward's State or federal income  
258 tax return shall be assessed at the time of filing of the tax return, for each tax year



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299

d) Schedule for the Assessment of Monthly Guardianship Services Fees

- 1) Person Cases \$~~150~~100
- 2) Estate Cases:

Total Value of Liquid Assets	Monthly Fee
<u>\$ 24,999 and below</u>	<u>\$ 200</u>
<u>25,000 – 49,999</u>	<u>300</u>
<u>50,000 – 99,999</u>	<u>400</u>
<u>100,000 – 249,999</u>	<u>500</u>
<u>250,000 and above</u>	<u>1,000</u>
<del>\$ 6,500-9,999</del>	<del>\$100</del>
<del>10,000-19,999</del>	<del>125</del>
<del>20,000-29,999</del>	<del>150</del>
<del>30,000-39,999</del>	<del>175</del>
<del>40,000-49,999</del>	<del>200</del>
<del>50,000-59,999</del>	<del>225</del>
<del>60,000-69,999</del>	<del>250</del>
<del>70,000-79,999</del>	<del>275</del>
<del>80,000-89,999</del>	<del>300</del>
<del>90,000-99,999</del>	<del>325</del>
<del>100,000 and above</del>	<del>350</del>

300

3) Representative Payee Cases, ~~When Estate Value is \$6,500 or More~~

Monthly Fee \$25

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The monthly fee will be in compliance with current social security and railroad retirement regulations.

e) ~~Schedule for the Assessment of Guardianship Petitioning Fees~~ \$500

Estate Petitioning Fee

<del>\$ 6,500-9,999</del>	<del>\$100</del>
<del>10,000-19,999</del>	<del>150</del>
<del>20,000-29,999</del>	<del>200</del>
<del>30,000-39,999</del>	<del>250</del>
<del>40,000-49,999</del>	<del>300</del>
<del>50,000-59,999</del>	<del>350</del>
<del>60,000-69,999</del>	<del>400</del>
<del>70,000-79,999</del>	<del>450</del>
<del>80,000-89,999</del>	<del>500</del>
<del>90,000-99,999</del>	<del>550</del>
<del>100,000 and above</del>	<del>600</del>

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f) Real Property Schedule for the Assessment of Fees for the Sale or Management of Real Property

- 1) Assessment of Fees for the Sale of Real Property      \$1,000
- 2) Assessment of Fees for the Management of Real Property, for Property Not Sold

Net Sale Value of Property or Estimated Value	Fee Amount
\$ 5,000 – 9,999	\$ 250
10,000 – 19,999	300
20,000 – 29,999	350
30,000 – 39,999	400
40,000 – 49,999	450
50,000 – 59,999	500
60,000 – 69,999	600
70,000 – 79,999	700
80,000 – 89,999	800
90,000 – 99,999	900



339

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)