

## NOTICE TO GUARDIANS OF DISABLED ADULTS

A GUARDIAN OF THE PERSON of a disabled adult has the following duties:

- **To file with the court an ANNUAL REPORT ON WARD** in a manner similar to the form attached to this notice.

An ANNUAL REPORT ON WARD must be filed every year and is due on the anniversary of the date the guardianship was established. You may use the forms available on the website [www.mcleancountyil.gov/circuitcourt/forms](http://www.mcleancountyil.gov/circuitcourt/forms). The form is called ANNUAL REPORT ON WARD.

As of January 1, 2018, pursuant to the Rules of the Illinois Supreme Court, the Clerk of the Circuit Court may no longer accept paper filings. All court filings must be done electronically. There is access to computer equipment and assistance with e-filing in the office of the Clerk of the Circuit Court, Probate Division, McLean County Law & Justice Center, 104 W. Front Street, Room 404, Bloomington, IL 61701. **Please note that court staff cannot give legal advice or file documents on your behalf.**

Supreme Court Rule 9(c)(4) allows for an exemption from e-filing for good cause. Good cause exists where a self-represented litigant is not able to e-file documents for the following reasons: no computer or Internet access in the home and travel represents a hardship; a disability, as defined by the Americans with Disabilities Act of 1990, that prevents e-filing; or a language barrier or low literacy (difficulty reading, writing, or speaking in English).

If the ANNUAL REPORT ON WARD is filed with the court, the guardian does not need to appear in court unless the court sends out a notice to appear.

**IF YOU FAIL TO FILE AN ANNUAL REPORT, YOU MAY BE ORDERED TO APPEAR IN COURT.**

A GUARDIAN OF THE ESTATE of a disabled adult has the following duties:

- **To file a BOND approved by the court.** Unless excused by the court, every bond must be guaranteed by at least two individual sureties or by a corporate surety company.

If two individuals act as sureties, the amount of the bond must be double the value of the estate. The individual sureties must sign a notarized list of their assets which must be attached to the bond.

If a corporate surety company is used, the amount of the bond is one and one-half times the value of the estate. A corporate surety company will charge the estate an annual premium like a premium on an insurance policy. The premium must be paid every year.

- **To file an INVENTORY with the court.** The inventory should describe the real estate and the improvements and liens on the real estate. The inventory should also state the amount of money on hand and in what form the money is held (i.e. bank accounts, stocks, bonds, notes, etc.) and list all personal property.

The initial inventory must be filed with the court within 60 days after the issuance of the letters of office.

- **To file an annual ACCOUNTING with the court.** The annual accounting should list all money received by the guardian and all money spent by the guardian on behalf of the disabled adult, and the assets remaining on hand at the end of the accounting period. The guardian should be prepared to produce receipts for all expenditures made on behalf of the ward.
- An annual ACCOUNTING must be filed every year and is due on the anniversary of the date the guardianship was established. You may use the forms available on the website [www.mcleancountyil.gov/circuitcourt/forms](http://www.mcleancountyil.gov/circuitcourt/forms). The form is called ACCOUNTING.

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If the ANNUAL ACCOUNTING is filed with the court, the guardian does not need to appear in court unless the court sends out a notice to appear.

**IF YOU FAIL TO FILE AN ANNUAL ACCOUNTING, YOU MAY BE ORDERED TO APPEAR IN COURT.**

- **To keep detailed records of all financial transactions in the estate accounts.** If a guardian cannot explain to the court what he or she has done with the money of a disabled adult, or if the court finds the guardianship funds have been mismanaged or misused, the guardian may be held liable for the money and have to pay it back. The money and property of the disabled person should be kept separate and titled in the name of the guardian of the estate.
- **To invest the assets of the disabled person frugally.** Assets may be invested in United States government obligations or bank accounts and certificates of deposit insured by the United States. Other investments may need approval of the court.
- **To use the assets and income of the disabled person exclusively for the benefit of the disabled person.** Expenditures should be limited to providing the basics of food, clothing, shelter and health care. Extraordinary expenditures should be pre-approved by the court.
- **To obtain the permission of the Court to sell, lease, or mortgage the property of the disabled person.**

Supreme Court Rule 138 prohibits the filing of personal identity information that could be used for identity theft. Pursuant to Illinois Supreme Court Rule 138, you should only use the last four numbers of the disabled person's social security number and the last four numbers of any financial accounts in your filings. You must additionally complete a Notice of Confidential Information Within Court Filing.

If your Annual Report on Ward, Inventory or Accounting are filed after January 1, 2015, you shall only use the disabled adult's year of birth (and not entire birthdate) in your filings.

If you do not understand the duties of guardian, you should consult an attorney.