

2021 Illinois Legislation – Health & Aging Matters

Note: As of the date of this writing, these pending bills have not been signed into law in the State of Illinois.

IL - HB1795 TRUST CODE-VARIOUS

This is a trailer provision that makes some references to definitional matters, mandatory rules, and other provisions.

IL - HB3849 SUPPORTED DECISION-MAKING ACT

Creates the Supported Decision-Making Agreement Act. Authorizes the creation of supported decision-making agreements and allows a supporter to assist a principal with an intellectual or developmental disability in accessing, collecting, or obtaining information that is relevant to a decision authorized under the supported decision-making agreement. Provides for the duties of a supporter in a supported decision-making agreement. Prohibits a supporter from doing certain actions in relation to the principal.

Requires 2 or more witnesses to be present and sign and date a supported decision-making agreement. Provides a form for a supported decision-making agreement. Provides that a principal may revoke the supported decision-making agreement and invalidate the supported decision-making agreement at any time. Provides that a supporter may resign by giving notice to the principal.

IL - SB80 PROBATE ACT-ADULT GUARDIANSHIP

Amends the Probate Act of 1975. Provides that, in a case regarding temporary guardianship, if no limited or plenary guardian has been appointed in a case regarding temporary guardianship, the court may grant an extension up to an additional 60 days or until a limited or plenary guardian has been appointed.

Changes references to "best interest" to "best interests". Amends the Illinois Power of Attorney Act. Provides that if an agent seeks guardianship of the principal, the petition for guardianship must delineate the specific powers to be granted to the guardian that are not already included in the power of attorney.

IL - HB714 EVIDENCE-HEALTH CARE RECORDS

mends the Code of Civil Procedure. In a Section concerning the examination of health care records, provides that "health care practitioner" includes any therapist or counselor. Deletes

language requiring a health care facility or health care practitioner to provide without charge one complete copy of a patient's records if the patient is an indigent homeless veteran in order to facilitate the person's application for federal veterans' disability benefits.

Provides instead that complete copies of a patient's records shall be provided to the patient or other person authorized by the patient for the purpose of supporting a claim for: (1) federal veterans' disability benefits; or (2) federal Social Security or Supplemental Security Income benefits, or both, under any title of the Social Security Act.

IL - SB47 PROPERTY TRANSFER ON DEATH

mends the Illinois Residential Real Property Transfer on Death Instrument Act. Renames the Act the "Real Property Transfer on Death Instrument Act". Changes the definitions of "owner" and "person". Defines "real property". Changes references to "residential real estate property" to references to "real property". Permits the transfer of real property by a transfer on death instrument to a trustee of a trust under certain circumstances even if the trust is subject to amendment, modification, revocation, or termination.

Provides that a transfer on death instrument may not be admitted to probate as the will of the owner or as a codicil thereto. Provides that a transfer on death instrument does not need to state consideration or the addresses of the beneficiaries. Provides that if the transfer on death instrument is not witnessed by at least 2 credible witnesses, it is void. Provides that if a beneficiary attests to the execution of the transfer on death instrument, the interest transferred to that beneficiary is void as to that beneficiary. Changes the rules under which real property that is subject to a transfer on death instrument is transferred. Provides that a transfer on death instrument may be renounced by the owner's surviving spouse. Makes other changes to provisions regarding: rights of creditors; limitations; and preparation of a transfer on death instrument or its revocation.

IL - SB97 ELECTRONIC NOTARY PUBLIC Creates the Supported Decision-Making Agreement Act. Authorizes the creation of supported decision-making agreements and allows a supporter to assist a principal with an intellectual or developmental disability in accessing, collecting, or obtaining information that is relevant to a decision authorized under the supported decision-making agreement.

IL SB 730 PROBATE-ELECTRONIC WILLS

Amends the Illinois Notary Public Act. Provides requirements concerning electronic notarization and electronic notaries public. Amends the Uniform Real Property Electronic Recording Act.

Provides that a paper or tangible copy of an electronic document that a notary public has certified to be a true and correct copy satisfies specified recording requirements.

Provides further requirements concerning the certification of electronic documents by notaries public. Defines terms. Makes conforming changes. Effective January 1, 2022, or upon the adoption by the Secretary of State of rules necessary for implementation, whichever is later.

HB 55 PROBATE – REPORT

Expands evaluations to include clinical psychologists.

IL - HB3918 AGING-MANDATED REPORTERS

Bill includes investment advisors and insurance agents as mandated reporters.”