Inventories and Accounts for Minors & Disabled Persons In Cook County, Illinois, In 2025

September 17, 2025

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NON-ATTORNEYS: You may have been referred to this presentation to learn more about Inventories or Accounts, or to assist you in gathering information. This presentation is NO substitute for an attorney. While I hope you find this information useful, DO NOT TRY THIS AT HOME (without a lawyer's guidance).

About the Presenter

Steve Raminiak concentrates his practice in estate planning as well as the administration of estates and trusts of Decedents, Minors and Disabled Persons. He regularly tackles contested estates, and has been appointed as Guardian *ad Litem*, Special Administrator, and as counsel for Disabled Persons by Judges in the Probate Division of the Circuit Court of Cook County. Steve excels at developing estate plans involving blended families, non-traditional relationships and Disabled Persons. He also advises business entities in regards to succession planning, tax planning and corporate governance issues.

Additionally, Steve regularly donates his time to those with financial hardships, particularly through his association with Chicago Volunteer Legal Services (CVLS). CVLS is the largest pro bono legal service provider in Illinois. Every year, they match volunteer attorneys with thousands of tough cases that no one else will take. In the past, Steve has served as the President of CVLS, as a member of their Board of Directors, as a volunteer Guardian *ad Litem*, as a lecturer on Probate matters at free CVLS seminars, and as a senior resource for volunteer attorneys.

Steve also presently serves on the Senior Citizens Commission for the village of Arlington Heights, and his firm is a member of the Arlington Heights Chamber of Commerce.

Steve is a member of the Advocates Society, an association of Polish lawyers and Judges. Steve created their first website in 2001, and volunteered as their webmaster from 2001 to 2010.

Steve has always resided in the Chicagoland area, and grew up in Norwood Park. Steve's father, Bob Raminiak, recently retired from the accounting firm of Raminiak, Piper and Company. Steve married Meg in 2003, and they are raising two children, Flynn and Tillie.

Education
Juris Doctor, Chicago-Kent College of Law, 2004
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Associations
Chicago Volunteer Legal Services
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Introduction

What is an Inventory? An Inventory is a list which describes the Estate's assets, expectancies, and potential or present causes of action as of the date that the Guardian was appointed.

What is an Account? An Account (also referred to as an "Accounting") tracks all credits and debits of the Estate's finances during a set time period, usually one year.

What Are Your Client's Initial Expectations for an Inventory or Account?

Wow, look at all of these numbers. Do we really have to justify what they mean? If money is spent, what's left to discuss?

What Is the Court's Expectations for an Inventory or Account?

- ✓ All assets, credits, and/or debits are reasonable and adequately described.
- ✓ All disbursements in the Account are reasonable under the circumstances, including payments for property taxes which reflect appropriate exemptions.
- ✓ The Account reflects a budget that is reasonable, and/or the proposed Budget seems reasonable.
- ✓ The Surety Bond equals at least 150% of all assets and anticipated income.
- ✓ The Guardian has a reasonable strategy for all assets.
- ✓ The Guardian has addressed any asset which is co-owned.
- ✓ The Account describes reasonable income or growth.
- ✓ The Account describes assets which may be held in a Guardianship Estate pursuant to 755 ILCS 5/21-2 to 5/21-2.15.
- ✓ All interested parties have been heard from and, in regards to the Account, have received at least 10 days notice.

Things to Consider When Construcing Inventories and Accounts

Try to bring your client's expectations closer to the Court's as soon as possible. Shortly after your client is appointed, make sure that s/he understands how the Court will scrutinize the Estate's finances, how s/he should always ask permission before spending the Estate's money, and how your client may become ***personally liable*** for any disbursements which are not approved in advance by the Court.

Cook County Guardianship Judges review LOTS of Inventories and Accounts, sometimes as many as **TWENTY (20)** per week. Be respectful of the Judge's time, and consider suggestions in these materials. If your Account looks like an IRS form, a shopping list, or a novella, you're probably in for a frustrating experience when you try to explain that at Court.

The following approach occasionally goes beyond the minimum requirements of Illinois law. However, I've found it helpful to include more detail in a few places. *For example, Cook County Judges strongly prefer disbursements to be grouped by subcategory (e.g., health care costs, groceries), though this is not explicitly required by Cook County Rules.*

After this presentation, look at Cook County Rules 12.9 and 12.13 in the Appendix. However, keep in mind, the Court is not seeking mindless adherence to rules. Your Judge simply wants an specific type of explanation of the Estate's finances so s/he can follow YOUR Inventory and Accounts just as easily as the others.

In General

- ✓ Only use partial account numbers in all Inventories and Accounts (e.g., x1234). *Remember, these filings become public record.*

- ✓ Both the Guardian and the Estate's attorney must sign every Inventory and Account, in which both attest to legitimacy and accuracy. However, if a bank is the Estate's Guardian, its attorney can rely on records produced by the bank.

- ✓ Do not submit copies of bank statements, cancelled checks or receipts to the Court with any Inventory or Account. Only provide these items to the Court or the Guardian *ad Litem* if you are directed by the Court to do so, or if you must submit these documents as evidence at trial. As noted above, you are signing the Inventory or Account as an officer of the Court. That is usually sufficient.

- ✓ Report any co-ownership or beneficiary designations on any assets, as well as all beneficiary designations.

Inventory

An Inventory is a list which describes the Estate's finances on the Guardian's ***date of appointment***. It is usually presented to Court about 60 days after appointment. *A sample is provided in the Appendix.*

If your client served as Temporary Guardian of the Estate and was also appointed as an ongoing Guardian of the Estate, prepare the Inventory as of the date that your client was appointed as Temporary Guardian, and ask the Court to expand the Account period for the First Account to also cover the period of Temporary Guardianship.

Jointly Held Assets and Beneficiary Designations

Prior to collecting assets into the Guardianship Estate, the Guardian must determine if any bank accounts are either: (a) jointly held with another individual, or (b) subject to beneficiary designations.

If your Ward has bank accounts in joint tenancy, present a plan for such assets with the presentation of the Inventory. When considering this, inquire as to: (a) whether these accounts were "convenience" accounts in which a joint tenant did not contribute funds but was merely expected to pay the Ward's bills, and (b) the amounts which each owner seems to have added to the accounts and over what period of time.

For example, if your Ward is married, and his/her spouse is using the same joint tenancy account for his/her needs, the Account might have to go in far more detail than necessary due to all of the spouse's expenditures. Instead of dealing with that, it is usually far better to ask the Court to sever joint tenancy accounts with the presentation of the Inventory.

If beneficiary designations exist, the Guardian must establish new Guardianship Estate bank accounts with the same beneficiary designations. Further guidance as to such assets can be found in the section titled, "Other Concerns," below.

ROOKIE MISTAKE: To best protect your Guardian from scrutiny, submit a Budget with the Inventory. *See "Accompanying Items," below, for more details.* In doing so, you invite the Judge to challenge your Guardian's spending expectations prior to exposing your Guardian to personal liability. Judges usually overlook mild differences in expectations that can be corrected at filing of the Inventory. This can be a very different ballgame at your First Account.

Types of Assets

As to ALL assets, if any asset is not entirely owned by the Ward, then you must indicate all owners and describe all ownership interests.

1. Real property. List: street address (if any), legal description, PIN, value, improvements (if relevant), approximate size (if relevant), years for which taxes have not been paid, encumbrances and corresponding balances owed, whether the representative is in possession of the real estate, and, if not, the reason for not being in possession. If the Ward possesses a beneficial interest in real estate, list the name and address of the trustee and other identifying information that describes the interest. If the real property will be rented, also follow the rules for a "business interest," as described below. ***Real property should be listed in its own section, as the first items of the Inventory.***

2. Cash accounts (e.g., checking, savings). List: name of institution, type of account, partial account number, balance.

3. Stocks. List: name of security, number of shares, value, and any of the following, if helpful for identification: class of stock, CUSIP or ticker number, corporate title and state of incorporation.

4. Bonds. List: number of units, name of obliger, value, rate of interest, date of maturity, and any of the following, if helpful for identification: kind of bond, interest dates, coupons attached or date to which interest is paid and endorsements.

5. Brokerage accounts. To avoid confusion, I prefer to list a brokerage account as a single asset, and each component (e.g., cash account, stock, bond) as a subasset. For example:

8	Brokerage Firm of America, Account No. XXX-XXXX Brokerage Account		
	8A	Cash at Inventory	1,000.00
	8B	400 Shares, Generic Stock, Ticker: GNS Value at Inventory: $52.92/share	21,168.00
	8C	2000 Shares, Generic Ltd, Ticker: GNL Value at Inventory: $6.00/share	12,000.00

Alternatively, consider attaching a well redacted bank statement as an Exhibit which describes the status of the brokerage account as of an applicable date.

6. Notes. List: face amount and unpaid balance, date of note, date of maturity, name of maker, interest dates, rate of interest, date to which interest is paid, endorsements and, if secured, a description of the security.

7. Insurance policies. List: name of insurance company, partial policy number, name of insured, names of beneficiaries, cash value, death benefit.

8. Insurance proceeds. List: name of insurance company, partial policy number, value of proceeds, reason for proceeds. *(This is most commonly encountered in a Minor's estate, where a parent has left a life insurance policy.)*

9. Business or partnership interests. List: a description of the interest (including name and address of any business organization), value and a summary of anticipated annual income. When presenting Accounts, the Guardian may be asked to present vouchers.

10. Causes of action. List: name of the person against whom the cause of action exists, its nature, and if suit has been instituted, the title, name of the Court where pending, case number and present status.

11. Structured settlement proceeds. List: description of associated lawsuit (follow the rules for a "cause of action," as described above), name of agent that will deliver funds, and as much detail as possible which describes what funds will arrive on which dates. *(This is most commonly encountered in a Minor's estate, where a malpractice suit generated funds.)*

12. Beneficial Interests in Estates and Trusts. A Ward's interest in the Estate of another person (e.g., the Ward's late mother) would not be subject to the Guardianship Court's jurisdiction. Similarly, the Ward's interest in a Trust is usually also not subject to the Guardianship Court's review. Thus, in such situations, you need only refer to the Estate or Trust in a very broad way and it is unnecessary (but can be helpful in certain circumstances) to inform the Court about the approximate income or assets that may be available to the Ward. (Of course, if a Trust ***becomes*** subject to the Court's jurisdiction, you must fully inform the Court about the Trust as if it held assets and expectancies of the Guardianship Estate.)

13. Social security expectancies. List: a summary of anticipated monthly and annual income.

14. Annuity and pension expectancies. List: name of provider, partial account number, cash value (if any), death benefit (if any), names of beneficiaries at death (if applicable) and a summary of anticipated monthly and annual income.

15. Tangible personal property. If a single piece of tangible personal property or a collection of such property is particularly valuable (e.g., an automobile, a stamp collection), report it separately with its value. However, refer to other tangible personal property (e.g., clothes and furniture) as a single asset, but enter the words “Assets On Hand” instead supplying a numeric value.

16. Liabilities. Although County rules only require listing liabilities that encumber Estate property, other significant liabilities (e.g., $10,000 in credit card debt) may also be listed to avoid confusion, protect your Guardian from scrutiny, and provide a clearer picture of the Estate. List: creditor, partial account number, principal balance and other details that allow a fair description of the liability (e.g., escrow balance, fixed monthly payment).

Total of Assets

At the bottom of the inventory, total the approximate value of personal property, estimate the approximate annual income, and confirm that the bond complies with 755 ILCS 5/12-5. Also, while Cook County Guardianship Courts require a surety bond to cover 150% of all personal property, such Courts often insist that the surety bond be increased to also cover 150% of all anticipated income.

Account

An Account (or "Accounting") tracks all credits and debits in the Estate's finances during a set time period, usually one year. *A sample is provided in the Appendix.* Accounts should be routinely presented for Court approval shortly after the end of the Account period. Courtesy copies of the Account and certain supporting documents (discussed below) should always be provided to your Judge in advance.

As a title, each Account should list:

- whether it is a First, Second, Third (etc.) Account,
- whether it is a "Current" Account (which anticipates another Account for a following period) or a "Final" Account (which anticipates closing the Estate or a change in the Guardian of the Estate), and
- the covered time period.

For example:

"First Current Account of the Guardian of the Estate
Covering from July 4, 2025 to July 31, 2026"

ROOKIE MISTAKE: Your Account should clearly state the dates that it covers. It is helpful to include these dates as a part of the title of the Account.

For First Accounts, your beginning date should be the same date covered by the Inventory. This will probably be the date of your client's appointment as Guardian of the Estate. However, as noted above, if your client served as Temporary Guardian of the Estate, the Court will probably allow your First Account to also cover the period where your client served as Temporary Guardian.

For Current Accounts, choose an end date that best matches your most complicated financial statement. Judges do not require this period to be exactly one year, but frown on Current Accounts that cover less than one year.

For Final Accounts, your end date will be a date of death, restoration, discharge (if a successor Guardian is appointed or if a Minor turns 18), or a date where the money runs out. If you anticipate that a Disabled Person will ultimately run out of cash, it is critical to get the Court's approval of that trajectory as early as possible.

A fee (presently $26.00) must be paid before the filing of any Current Account, but not for Final Accounts.

Certain accompanying items should be presented at the hearing on an Account. For example, in Estates for Disabled Persons, the Guardian's Annual Report on Ward (Cook County Form CCP 222) should accompany any Account except for Final Accounts due to death, restoration of a Disabled Person or emancipation of a Minor. *See the section on "Accompanying Items," below.*

ROOKIE MISTAKE: DON'T FORGET THE "ANNUAL REPORT ON WARD!" Judges usually prefer to read this before looking at an Account. The Report reintroduces the Ward and gives the Judge an idea about the sort of expenditures that s/he can expect to find on the Account. Your Judge may refuse to review the Account without first reading a Report on Ward. *See the Appendix for a blank, sample Annual Report on Ward form.*

Notice of the hearing on an Account, and a copy of the Account, must be given to all interested persons at least 10 days before hearing. Each notice should contain the time, place and nature of the hearing and substantially the following sentence: "If the account is approved by the court upon hearing, in the absence of fraud, accident or mistake, the account as approved is binding upon all persons to who this notice is given."

Your Account must be divided into five (5) sections: Receipts, Disbursements, Distributions, Recapitulation, and Assets on Hand, which are discussed below. Your Account should end with a Signature Page that is signed by both the Guardian and the attorney for the Estate. As the first page of your Account, you may also attach a Summary Cover Sheet.

Account: Summary Cover Sheet

A Summary Cover Sheet summarizes values at a high level. While this page is not required, multiple Judges have told me that they find this to be a very helpful introduction to a new Account. Keep in mind, when a Judge reviews any Account beyond the First Account, s/he usually places it next to the preceding Account so as to see what has changed from the last period. By comparing these high level summaries, the Judge can more quickly focus on certain information conveyed in your Account. This page usually references key elements of your Account, such as:

- Value of all Personal Property, as reported at end of Last Account Period,
- Income Earned from Pensions, Annuities, Social Security, etc.,
- Rental Income,
- Disbursements for Caregivers,
- Guardian's Fees, Attorney's Fees, etc.
- Value of all Personal Property, as reported at end of this Account period,
- Estimated value of all Real Property.

Also, you may use this page to briefly explain significant changes from prior years or unexpected occurrences. For example, if the Court allowed increased disbursements for caregivers in prior years, you might annotate the "Disbursements for Caregivers" line with, "** Increased Disbursements Due to Increased Hours for Caregivers P/C/O November 1, 2022." Do not feel compelled to make this a balanced calculation of all credits and debts, as that will be provided in the Recapitulation and Assets on Hand sections, discussed below.

Personally, I almost never prepare a Summary Cover Sheet, and no Judge has ever demanded that I do so. This page is completely optional. If you believe that it would be helpful, feel free to prepare it. However, I usually skip this in order to save time.

ROOKIE MISTAKE: If you are new to preparing Accounts, I strongly recommend that you do NOT generate a Summary Cover Sheet. For less experienced attorneys, this often generates confusion instead of providing clarity. Again, the Guardianship Judges do NOT require this.

Account: Receipts Section

Minimum Requirements

At minimum, the Receipts section should have three columns:

1. Number. Receipts should reference ***the same number*** given in the Inventory or prior Account. New assets get new numbers. Old numbers are never reused.

ROOKIE MISTAKE: NEVER REUSE NUMBERS. An Estate may be administered over many years and be described by multiple Accounts. Each Account builds on the Inventory and all Accounts that precede it. If you reassign a number to a new asset, you generate confusion as to what the relationship is to a new asset and a prior asset which was referenced by the same number.

2. Description. Use this column to describe Receipts.

3. Receipts. Amounts received should be reported in this column.

My Approach

When developing an Account, you must usually reconcile each individual account or else you will never get all of the numbers to balance. While Illinois law only mandates the aforementioned minimum requirements, my approach includes an individual recapitulation of each asset in the Receipts section for the following reasons.

- ✓ By including these individual recapitulations, the Judge sees a much clearer picture of what happened with each asset.

- ✓ At hearing, a Judge's questions might be readily answered by discussing an asset's individual recapitulation. (This has happened to me on multiple occasions.)

- ✓ A Judge can more easily evaluate whether an asset is worthwhile with a recapitulation.

- ✓ If you're drafting the Account in a spreadsheet program (e.g., Microsoft Excel), you can easily identify errors through use of basic commands.

1. Number. Again, receipts should reference ***the same number*** as in the Inventory or prior Account. New assets get new numbers. Old numbers are never reused.

2. Description. See the above section on the Inventory for a description of what to report for each type of asset. Additionally, use this column to describe receipts, changes in value, adjustments, transfers and total disbursements.

3. Recapitulation. This column allows you to total all debits and credits of an asset during the Account period. *Feel free to omit the heading for this column.*

4. Receipts. Amounts received should be reported in this column.

5. Change in Value. The most common use of this column is to report unrealized gain and loss.

6. Adjustment. If the prior Inventory or Account contained an error which was discovered upon the preparation of a new Account, use this column to report the amount of the error. Also, if you are having a hard time reconciling a small amount in an Account, it's generally better to enter an Adjustment rather than spend inordinate amounts of time trying to solve a small problem. How small is small enough? Compare the value of the adjustment to your hourly rate.

Account: Disbursements Section

In General

Usually, each disbursement should have its own entry. However, you may list one combined entry for (a) regular charges that never change (e.g., monthly rental payment), or (b) a collection of low charges that occurred on various dates (e.g., the Guardian used an out-of-network ATM four times to generate fees of $12).

Columns

The Disbursements section should have four columns.

1. Date. For checks, you may use either the date that the check was written or the date that the check posted so long as you are consistent. For combined entries, state: "monthly," "various," etc.

2. Voucher No. Any number associated with the actual payment, usually a check number. In most other circumstances, this will be left blank.

3. Description. List the payee and the reason for payment (if not otherwise clear). For combined entries, state the frequency of recurring payments and the amount of a single payment (e.g., rent, $600/month). If the Court previously approved any item (e.g., budget items, attorney fees, sale of real property), reference this as having occurred P/C/O ("Per Court Order").

4. Amount. Include a subtotal for each category or subcategory, as appropriate.

Categories and Subcategories

Cook County Rules require disbursements to be grouped into five categories: Administration Expenses, Taxes, Fees, Investment Purchases and Other Disbursements.

However, if Other Disbursements can be further categorized in a meaningful way (e.g., health care, groceries), your Guardianship Judge may insist that you do so, particularly if there is a Court Order which allows your Guardian to make disbursements pursuant to such categories.

List the budgeted amount for any subcategory in the heading, with the date of the Order allowing such amount. *For example, "Supplemental Health Insurance ($205/month, P/C/O 11/1/25)."*

If the Court previously approved a Budget, and the Account has subheadings which show how closely the Guardian followed that Budget, it shows a degree of integrity and professionalism from the Guardian and the attorney for the Estate. That good favor can be subtly persuasive when the Court considers Account entries that exceed the Budget.

Multiple Judges have told me that these subheadings are really, really appreciated by the Court. One Judge mentioned that when one can easily compare the expenditures to the Budget through the use of headings, that Judge is more likely to tolerate them if s/he can readily compare them to other areas that came in under Budget.

If disbursements seem out of place with the proposed Budget, I strongly encourage you to include a written explanation with the entry for the disbursement.

For example, Guardians usually do not use credit cards, as all such expenditures still need to be explained in the Account. However, if the Ward had used a credit card prior to the appointment of a Guardian, and if the Guardian paid off the remaining balance without charging anything to the card, make a note of that next to the disbursement, or else the Judge will very likely ask you about this.

Another example, let's say your Budget contemplated a monthly disbursement of $100/month for landscaping and this disbursement is dramatically exceeded in a certain month. The Judge may not question this if you add a line which provides a reasonable explanation for that (e.g., due to a storm, landscapers had to remove additional debris and fallen branches).

ROOKIE MISTAKE: GUARDIANS CAN'T PAY ATTORNEY FEES WITHOUT COURT ORDER. Present a Fee Petition with the Account. *See "Accompanying Items," below, for more details.*

Account: Distributions Section

This section is commonly used in Accounts for Decedent's Estates and it is rarely used in an Account for a Minor or a Disabled Person. Your Guardian should not make gifts to any person, or give funds directly to the Ward, without Court Order.

If a Disabled Person engaged in any pattern of prior gifting prior to an adjudication of disability (e.g., tithing 10% of all income to a church), your Guardian should have the Court approval prior to continuing that approach to gifting.

Account: Recapitulation Section

This section lists the bottom line figures of the Estate (e.g., total receipts, total disbursements) and refers to items mentioned in the Inventory or prior Account. Feel free to add an extra entry for an "Additional Adjustment," but only use that entry if your Account is off by a very small amount.

Account: Assets on Hand Section

This section should reference every asset which has not been closed, and should have three columns.

1. Number. ***Use the same number*** given to each item in the Inventory or prior Account. New assets get new numbers. Again, old numbers are **NEVER** reused.

2. Description. See the above section on the Inventory for a description of what to report for each type of asset. Upon the passing of each Account period, the Assets on Hand section serves as an updated Inventory in regards to the next Account. As noted above, if any asset is not entirely owned by the Ward, then you must indicate all owners and describe all ownership interests.

3. Value. This column lists the value of the asset at the end of the Account period.

Be sure to total the value of all personal property and income expectancies at the bottom of this section, just as you would for an Inventory, see above.

Cook County Judges appreciate an additional paragraph at the end of this Section which shows the amount which is presently covered by Surety Bonds and refers to any proposed changes. While this is not required, this may make the presentation of your Account go a bit smoother.

Account: Signature Page

This page merely states how the Guardian certifies that the Account is true and correct, and contains an Attorney Certification which represents that counsel for the Estate makes the same affirmation.

Accompanying Items for Current Accounts

Guardian's Annual Report Regarding Ward. Every year, the Court inquires into the Ward's health and personal status. *See Cook County Form CCP 222 in the Appendix.* This Report is one of the few items that you should e-file as "Confidential" as, historically, these Reports are placed into a different system. Prior to the pandemic, attorneys were encouraged to refrain from filing them but, instead, to hand them to the Court with the filed Account.

Bond. Is the Bond too high or too low?

Too High: Draft a "Petition to Reduce Bond." *See the example in the Appendix.* If you wish to reduce the Bond as of a date prior to your hearing date, ask for the bond to be reduced "*nunc pro tunc*" to a specified earlier date. *After the bond is reduced by Court Order, promptly inform the Surety as to the change.*

Too Low: Use Cook County Form CCP N339 and enter the additional amount necessary to comply with Illinois law (NOT the total amount of all bonds).

Budget and Care Plan. To best protect your Guardian from scrutiny, prepare a Budget, which is an estimate of regular, monthly expenditures. In the same document, also describe a Care Plan, which describes where the Ward will reside and notes other details about the Ward's daily living. *These two items need not be in the same document, but often are.* Be sure to explain how any significant deficit is in the Estate's best interest. *See the example in the Appendix.*

With the presentation of an Account, consider whether to revise the Budget and Care Plan. If you ask for any revision, prepare an Order that restates the entirety of the new Budget (including those elements that are not changed) so that your Judge only has to review one Order when considering future Accounts.

Petition for Disbursement. Be sure to obtain the Court's approval before allowing your Guardian to make any meaningful expenditure that is not referenced by the Budget. If you fail to timely file a Petition and the Court doesn't approve of a disbursement, the Guardian may be required to reimburse the Estate from his/her personal funds if the Court finds that the expenditure is not in the Ward's best interests. As mentioned by Cook County Court Rule 12.7, such a Petition should state the purpose for the proposed expenditure, the value of the estate, the annual income available to the Minor or Disabled Person, and the amount of the last authorization for an expenditure for the same purpose.

Petition for Fees. Judges expect petitions for Guardians' fees and attorneys' fees at the presentation of the Inventory or Account. However, don't expect to be paid in full if hourly rates are out of bounds with others at the same skill level, if fees equal a large percentage of the Estate, or if the Court finds fault with how you or the Guardian spent time on the matter. As of 2025, the top rate allowed by the Cook County Guardianship Court for attorneys is $325.00/hour.

Courtesy Copies and Court Appearances

Courtesy Copies

Ideally, about four (4) business days before hearing on an Account, the Judge should receive all applicable file-stamped courtesy copies in one correspondence with a cover letter that itemizes the following:

- the Guardian's Annual Report on Ward (if applicable),
- the proposed Inventory or Account,
- the last prior Inventory or Account (if any),
- the Order that approved that last prior Inventory or Account (if any),
- any Budget Order or other Order referenced by the proposed Account,
- any other pleading which you will present with the Account, and
- a proposed Order.

You must provide tangible paper copies of any Inventory, Account or related document to the Court, via U.S. mail, hand delivery, or otherwise, if:

(a) the total package is more than 25 pages in length, or

(b) if you are providing courtesy copies of any length to Judge Outlaw on Calendar 12.

Otherwise, you may send all related courtesy copies as to Inventories and Accounts via email. Never fax items to the Court. Be sure to consult your Judge's standing Order prior to sending courtesy copies.

Please note, when reviewing attorney fee petitions, Judges frequently deny charges for overnight or priority delivery of courtesy copies. Plan accordingly.

Court Appearances

All Guardianship Judges routinely allow Court appearances for Inventories, Accounts, or related matters to occur on their morning calls via Zoom videoconference. However, the Judges also welcome in person appearances. If you decide to appear in person, be sure to bring at least two copies of all relevant items with you to Court.

Prior to the pandemic, when these matters were only heard in person, Guardians were usually not expected to appear. However, since all can now easily appear via Zoom, Judges seem to be increasingly expecting the Guardian to log in when the Court is going to consider an Account, Budget, or a related item.

Other Concerns

The First Account is Usually the Toughest.

- When a Guardianship begins, all of the Ward's assets must be retitled in the name of the Estate. During this process, most financial institutions will require that accounts be closed and then reopened with a new account number. This will make your First Account more challenging than most subsequent Accounts because of all of the movement during that period.

- Your Guardian will have a learning curve as s/he adjusts to all of the paperwork associated with Accounts. Keep in mind, you have to sign an "Attorney Certification" for every Account, and this means that even if your client prepares the Account, you must confirm the accuracy of every entry.

Continuances. Judges generally always allow one continuance, and will usually tolerate a second – but once you're beyond two continuances, the Judge may consider: (a) entering an Order to require the Guardian to personally appear before the Judge, or (b) appointing (or reappointing) a Guardian *ad Litem* (GAL) to investigate. It's best to avoid the appointment of a GAL whenever possible as the involvement of a GAL will increase costs to the matter and may lead to the ultimate removal of the Guardian from his/her role.

When to Bring Your Guardian to Court. In general, if your Guardian is available to tune in during a Zoom call, ask them to do so. Their insight could be very helpful if the Judge arrives at questions that you did not anticipate. Also, don't be afraid to ask your Guardian to attend if there are unusual circumstances or if your Guardian needs help understanding something that s/he doesn't want to hear.

When to Amend or Supplement an Inventory or Account. Often, attorneys will discover an error or an overlooked asset after an Inventory or Account has been approved. From a practical perspective, I would only amend if total errors and omissions exceed about 20% of the value of the Estate. *(Keep in mind, your Bond covers 150% of the value of the Estate.)* In any other case, I would address all mistakes or oversights on the next Account. The Estate does not benefit or suffer due to Minor defects which are addressed by a subsequent Account, but could experience confusion and avoidable cost by the development of multiple Amended or Supplemental Inventories or Accounts.

Maintain the Disabled Person's Estate Plan. When retitling assets into the Guardianship Estate, be sure to direct your Guardian to maintain any estate planning that a Ward may have put in place (e.g., accounts with beneficiary

designations). Avoid disbursements from such accounts until the Ward has used up all other assets, unless the Ward has a Will. In that case, note the source of proposed expenditures in the Budget and don't be afraid to ask the Judge for approval as to which funds should be spent first.

Accompanying Items for Certain Final Accounts. If the Guardianship is ending due to the death of a Disabled Person, then attach a copy of a Death Certificate (in which the date of birth and social security number has been redacted) to such a Petition. If the Guardianship is ending because a Minor reached the age of majority, be sure to submit a Petition which refers to the relevant date of birth but does not explicitly state that date (due to privacy concerns).

When a Disabled Person Runs Out of Money. You must still submit a Final Account, even if such depletion was predicted by a Budget, if your Disabled Person runs out of money. Warn your client to set funds aside for this eventuality. Again, if you anticipate that a Disabled Person will ultimately run out of cash, it is critical to get the Court's approval of that trajectory as early as possible. Also, be sure to advise your client as to when to file a Medicaid application to address any transition of payment for any Disabled Person who is in a facility.

Encourage Client Involvement on Subsequent Accounts. After you prepare the First Account, encourage your client to share the burden of generating subsequent Accounts, if possible. Feel free to show them this presentation so they may better understand the process. I have worked with Guardians who are savvy enough to generate almost an entire Account with less guidance provided by this presentation. Those Guardians then submit bank statements to me so that I may check their work. As noted above, the Estate's attorney is required to sign an "Attorney Certification" for every Account which means that the attorney has confirmed the accuracy of every entry. However, the savings to the Estate can be substantial. Guardians can usually bill at $35/hour, which is quite a savings when compared to the rate of an attorney or a legal assistant.