

§5-119. Compensation and expenses; in general

1. Attorney for respondent. Unless the court has made a finding that the respondent is indigent and has appointed an attorney for the respondent on that basis, an attorney for a respondent in a proceeding under this Act is entitled to reasonable compensation and reimbursement of reasonable expenses from the property of the respondent.

[PL 2019, c. 417, Pt. A, §14 (AMD).]

2. Attorney or other person. Unless the court has made a finding that the respondent is indigent, an attorney or other person whose services resulted in an order beneficial to an individual subject to guardianship or conservatorship or beneficial to an individual for whom a protective arrangement instead of guardianship or conservatorship was ordered is entitled to reasonable compensation and reimbursement of reasonable expenses from the property of the individual.

[PL 2019, c. 417, Pt. A, §14 (AMD).]

3. Court review. After notice to all interested persons, on petition of an interested person, the propriety of employment of any person by a conservator or guardian, including any attorney, accountant, investment advisor or other specialized agent or assistant, and the reasonableness of the compensation of any person so employed, and the propriety of employment and the reasonableness of compensation for an attorney for a respondent under subsection 1 and an attorney or other person under subsection 2, may be reviewed by the court. Any person who has received excessive compensation or reimbursement of inappropriate expenses for services rendered may be ordered to make appropriate refunds. The factors set forth in section 3-721, subsection 2 must be considered as guides in determining the reasonableness of compensation under this section.

[PL 2019, c. 417, Pt. A, §14 (AMD).]

4. Costs assessed against petitioner. If the court dismisses a petition under this Act and determines the petition was filed in bad faith, the court may assess the cost of any court-ordered professional evaluation or visitor, and any attorney's fees or other costs incurred by the respondent, against the petitioner.

[PL 2019, c. 417, Pt. A, §14 (AMD).]

SECTION HISTORY

PL 2017, c. 402, Pt. A, §2 (NEW). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 417, Pt. A, §14 (AMD). PL 2019, c. 417, Pt. B, §14 (AFF).

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