§ 711. Suspension, modification or revocation of letters or removal for disqualification or misconduct

In any of the following cases a co-fiduciary, creditor, person interested, any person on behalf of an infant or any surety on a bond of a fiduciary may present to the court having jurisdiction a petition praying for a decree suspending, modifying or revoking those letters and that the fiduciary may be cited to show cause why a decree should not be made accordingly:

1. Where the respondent was, when letters were issued to him, or has since become ineligible or disqualified to act as fiduciary and the grounds of the objection did not exist or the objection was not taken by the petitioner or a person whom he represents before the letters were granted.

2. Where by reason of his having wasted or improperly applied the assets of the estate, or made investments unauthorized by law or otherwise improvidently managed or injured the property committed to his charge, including by failing to comply with paragraph (c) of section 8-1.9 of the estates, powers and trusts law, or by reason of other misconduct in the execution of his office or dishonesty, drunkenness, improvidence or want of understanding, he is unfit for the execution of his office.

3. Where he has wilfully refused or without good cause neglected to obey any lawful direction of the court contained in any decree or order or any provision of law relating to the discharge of his duty.

4. Where the grant of his letters was obtained by a false suggestion of a material fact.

5. Where by the terms of a will, deed or order, his office was to cease upon a contingency which has happened.

6. Where he has failed without sufficient reason to notify the court of his change of address within 30 days after such change.

7. Where he has removed property of the estate without the state without prior approval of the court.

8. Where he or she does not possess the qualifications required of a fiduciary by reason of substance abuse, dishonesty, improvidence, want of understanding, or who is otherwise unfit for the execution of the office.

9. In the case of a guardian, where he has removed or is about to remove from the state or where the interests of the infant will be promoted by the appointment of another person as guardian.

10. In the case of a testamentary trustee, where he has violated or threatens to violate his trust or is insolvent or his insolvenvy is apprehended or is for any other cause deemed an unsuitable person to execute the trust.

11. In the case of a lifetime trustee, a creditor or a person interested, any person in behalf of an infant or any surety on a bond of the trustee may present to the court having jurisdiction a petition praying for a decree removing the trustee or suspending or modifying his appointment and that the trustee may be cited to show cause why a decree should not be made accordingly where the supreme court, if it had jurisdiction, would have cause to remove the trustee or to suspend or modify his appointment.

12. In the case of any fiduciary who fails to file an account within such time and in such manner as directed by the court.