

AN ACT concerning civil law.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Probate Act of 1975 is amended by changing Sections 15-1 and 15-2 as follows:

(755 ILCS 5/15-1) (from Ch. 110 1/2, par. 15-1)

Sec. 15-1. Spouse's award.

(a) The surviving spouse of a deceased resident of this State whose estate, whether testate or intestate, is administered in this State, shall be allowed as the surviving spouse's own property, exempt from the enforcement of a judgment, garnishment or attachment in the possession of the representative, a sum of money that the court deems reasonable for the proper support of the surviving spouse for the period of 9 months after the death of the decedent in a manner suited to the condition in life of the surviving spouse and to the condition of the estate and an additional sum of money that the court deems reasonable for the proper support, during that period, of minor ~~and adult dependent~~ children of the decedent who resided ~~reside~~ with the surviving spouse at the time of the decedent's death. The award may in no case be less than \$20,000, together with an additional sum not less than \$10,000 for each such child. The award shall be paid to the surviving

spouse at such time or times, not exceeding 3 installments, as the court directs. If the surviving spouse dies before the award for his support is paid in full, the amount unpaid shall be paid to his estate. If the surviving spouse dies or abandons a child before the award for the support of a child is paid in full, the amount unpaid shall be paid for the benefit of the child to such person as the court directs.

(a-5) The surviving spouse of a deceased resident of this State whose estate, whether testate or intestate, is administered in this State, shall be allowed as the surviving spouse's own property, exempt from the enforcement of a judgment, garnishment, or attachment in the possession of the representative, for each adult child of the decedent who is likely to become a public charge and was financially dependent on the decedent and resided with the surviving spouse at the time of the decedent's death, a sum of money that the court deems reasonable, or agreed upon by the surviving spouse and representative of the decedent's estate or affiant under a small estate affidavit pursuant to Section 25-1, for the proper support of the adult child for the period of 9 months after the death of the decedent in a manner suited to the condition in life of the adult child of the decedent and to the condition of the estate. The award shall be at least \$5,000 for each such adult child and shall otherwise be consistent with the financial support that the decedent was providing the adult child immediately prior to the decedent's death. The award

shall be paid to the surviving spouse at such time or times, not exceeding 3 installments, as the court directs. If the surviving spouse dies or abandons an adult child before the award for the support of an adult child is paid in full, the amount unpaid shall be paid for the benefit of the adult child to such person as the court directs. Within 30 days of the surviving spouse or adult child receiving written notice of this potential award from the representative of the decedent's estate or from the affiant under a small estate affidavit pursuant to Section 25-1, the surviving spouse or the adult child, or the adult child's agent or guardian or other adult on behalf of the adult child, shall provide written notice to the representative or affiant asserting that the adult child was financially dependent on the decedent at the time of the decedent's death. Failure to provide written notice to the representative or affiant within 30 days after receiving notice from the representative or affiant shall be a bar to the right to receive the award. The notice by the representative may be combined with the notices given pursuant to Sections 6-21 and 8-1.

(b) The surviving spouse is entitled to the award unless the will of the decedent expressly provides that the provisions thereof for the surviving spouse are in lieu of the award and the surviving spouse does not renounce the will.

(c) The changes made by Public Act 96-968 ~~this amendatory Act of the 96th General Assembly~~ apply to a decedent whose date

of death is on or after July 2, 2010 (the effective date of Public Act 96-968). The changes to this Section made by this amendatory Act of the 100th General Assembly apply to a decedent whose date of death is on or after the effective date of this amendatory Act of the 100th General Assembly ~~this amendatory Act of the 96th General Assembly.~~

(Source: P.A. 96-968, eff. 7-2-10.)

(755 ILCS 5/15-2) (from Ch. 110 1/2, par. 15-2)

Sec. 15-2. Child's award.

(a) If a minor ~~or adult dependent~~ child of the decedent does not reside with the surviving spouse of the decedent at the time of the decedent's death, there shall be allowed to that child, exempt from the enforcement of a judgment, garnishment or attachment in the possession of the representative, a sum of money that the court deems reasonable for the proper support of the child for the period of 9 months after the death of the decedent, in a manner suited to the condition in life of the minor child and to the condition of the estate. The award may in no case be less than \$10,000 and shall be paid for the benefit of the child to such person as the court directs.

(b) If a deceased resident of this State leaves no surviving spouse, there shall be allowed to all children of the decedent who were minors at the date of death ~~and all adult dependent children~~, exempt from the enforcement of a judgment,

garnishment or attachment in the possession of the representative, a sum of money that the court deems reasonable for the proper support of those children for the period of 9 months after the death of the decedent in a manner suited to the condition in life of those children and to the condition of the estate. The award may in no case be less than \$10,000 for each of those children, together with an additional sum not less than \$20,000 that shall be divided equally among those children or apportioned as the court directs and that shall be paid for the benefit of any of those children to any person that the court directs.

(b-5) If an adult child of the decedent is likely to become a public charge and was financially dependent on the decedent at the time of the decedent's death, and if the adult child of the decedent did not reside with the surviving spouse of the decedent at the time of the decedent's death, there shall be allowed to that adult child, exempt from the enforcement of a judgment, garnishment, or attachment in the possession of the representative, a sum of money that the court deems reasonable, or agreed upon by the surviving spouse and representative of the decedent's estate or affiant under a small estate affidavit pursuant to Section 25-1, for the proper support of the adult child for the period of 9 months after the death of the decedent, in a manner suited to the condition of life of the adult child and to the condition of the estate. The award shall be at least \$5,000 and shall otherwise be consistent with the

financial support that the decedent was providing the adult child immediately prior to the decedent's death. The award shall be paid for the benefit of the adult child to such person as the court or affiant under a small estate affidavit pursuant to Section 25-1 directs. Within 30 days after receiving written notice of this potential award from the representative of the decedent's estate or from the affiant under a small estate affidavit pursuant to Section 25-1, the adult child, or the adult child's agent or guardian or other adult on behalf of the adult child, shall provide written notice to the representative or affiant, asserting that the adult child was financially dependent on the decedent at the time of the decedent's death and that the adult child did not reside with the surviving spouse at the time of the decedent's death. Failure to provide such written notice to the representative or affiant within 30 days after receiving notice from the representative or affiant shall be a bar to the right to receive the award. The notice by the representative may be combined with the notices given pursuant to Sections 6-21 and 8-1.

(c) The changes made by Public Act 96-968 ~~this amendatory Act of the 96th General Assembly~~ apply to a decedent whose date of death is on or after July 2, 2010 (the effective date of Public Act 96-968). The changes to this Section made by this amendatory Act of the 100th General Assembly apply to a decedent whose date of death is on or after the effective date of this amendatory Act of the 100th General Assembly ~~this~~

Public Act 100-0478

HB2516 Enrolled

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~~amendatory Act of the 96th General Assembly.~~

(Source: P.A. 96-968, eff. 7-2-10.)