

1 AN ACT concerning civil law.

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

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

6 (755 ILCS 5/15-1) (from Ch. 110 1/2, par. 15-1)  
7 Sec. 15-1. Spouse's award.

8 (a) The surviving spouse of a deceased resident of this  
9 State whose estate, whether testate or intestate, is  
10 administered in this State, shall be allowed as the surviving  
11 spouse's own property, exempt from the enforcement of a  
12 judgment, garnishment or attachment in the possession of the  
13 representative, a sum of money that the court deems reasonable  
14 for the proper support of the surviving spouse for the period  
15 of 9 months after the death of the decedent in a manner suited  
16 to the condition in life of the surviving spouse and to the  
17 condition of the estate and an additional sum of money that the  
18 court deems reasonable for the proper support, during that  
19 period, of minor ~~and adult dependent~~ children of the decedent  
20 who resided ~~reside~~ with the surviving spouse at the time of the  
21 decedent's death. The award may in no case be less than  
22 \$20,000, together with an additional sum not less than \$10,000  
23 for each such child. The award shall be paid to the surviving

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

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

1 shall be paid to the surviving spouse at such time or times,  
2 not exceeding 3 installments, as the court directs. If the  
3 surviving spouse dies or abandons an adult child before the  
4 award for the support of an adult child is paid in full, the  
5 amount unpaid shall be paid for the benefit of the adult child  
6 to such person as the court directs. Within 30 days of the  
7 surviving spouse or adult child receiving written notice of  
8 this potential award from the representative of the decedent's  
9 estate or from the affiant under a small estate affidavit  
10 pursuant to Section 25-1, the surviving spouse or the adult  
11 child, or the adult child's agent or guardian or other adult on  
12 behalf of the adult child, shall provide written notice to the  
13 representative or affiant asserting that the adult child was  
14 financially dependent on the decedent at the time of the  
15 decedent's death. Failure to provide written notice to the  
16 representative or affiant within 30 days after receiving notice  
17 from the representative or affiant shall be a bar to the right  
18 to receive the award. The notice by the representative may be  
19 combined with the notices given pursuant to Sections 6-21 and  
20 8-1.

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

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

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

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

8 (755 ILCS 5/15-2) (from Ch. 110 1/2, par. 15-2)

9 Sec. 15-2. Child's award.

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

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

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

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

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

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

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

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