



Rep. Emanuel Chris Welch

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10000HB2716ham001

LRB100 08470 HEP 23038 a

1 AMENDMENT TO HOUSE BILL 2716

2 AMENDMENT NO. _____. Amend House Bill 2716 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Probate Act of 1975 is amended by changing
5 Sections 4a-5 and 4a-10 as follows:

6 (755 ILCS 5/4a-5)

7 Sec. 4a-5. Definitions. As used in this Article:

8 (1) "Caregiver" means a person who voluntarily, or in
9 exchange for compensation, has assumed responsibility for all
10 or a portion of the care of another person who needs assistance
11 with activities of daily living. "Caregiver" includes a
12 caregiver's spouse, cohabitant, child, or employee.
13 "Caregiver" does not include a family member of the person
14 receiving assistance.

15 (2) "Family member" means a spouse, civil union partner,
16 child, grandchild, sibling, aunt, uncle, niece, nephew, first

1 cousin, or parent of the person receiving assistance.

2 (3) "Transfer instrument" means the legal document
3 intended to effectuate a transfer effective on or after the
4 transferor's death and includes, without limitation, a will,
5 trust, transfer on death instrument, deed, form designated as
6 payable on death, contract, or other beneficiary designation
7 form.

8 (4) "Transferee" means a legatee, a beneficiary of a trust,
9 a grantee of a deed, or any other person designated in a
10 transfer instrument to receive a nonprobate transfer.

11 (5) "Transferor" means a testator, settlor, grantor of a
12 deed, or a decedent whose interest is transferred pursuant to a
13 nonprobate transfer.

14 (Source: P.A. 98-1093, eff. 1-1-15.)

15 (755 ILCS 5/4a-10)

16 Sec. 4a-10. Presumption of void transfer.

17 (a) In any civil action in which a transfer instrument is
18 being challenged, there is a rebuttable presumption, except as
19 provided in Section 4a-15, that the transfer instrument is void
20 if the transferee is a caregiver and the fair market value of
21 the transferred property exceeds \$20,000.

22 (b) Unless a shorter limitations period is required by
23 Section 8-1 or 18-12 of this Act, any action under this Section
24 shall be filed within 2 years of the date of death of the
25 transferor.

1 (c) If the property in question is an interest in real
2 property, a bona fide purchaser or mortgagee for value and
3 without notice, before the recordation of a lis pendens for an
4 action under this Section, shall take free and clear of the
5 action.

6 (d) The holder of any property subject to this Article
7 shall not be liable for distributing or releasing the property
8 to the transferee if the distribution or release occurs prior
9 to the holder being made a party to an action challenging the
10 transfer.

11 (Source: P.A. 98-1093, eff. 1-1-15.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.".