



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4588

Introduced 1/21/2022, by Rep. Barbara Hernandez

SYNOPSIS AS INTRODUCED:

705 ILCS 405/1-3	from Ch. 37, par. 801-3
705 ILCS 405/2-27	from Ch. 37, par. 802-27
750 ILCS 5/203	from Ch. 40, par. 203
750 ILCS 5/212	from Ch. 40, par. 212
750 ILCS 5/301	from Ch. 40, par. 301
750 ILCS 5/302	from Ch. 40, par. 302
750 ILCS 5/403	from Ch. 40, par. 403

Amends the Illinois Marriage and Dissolution of Marriage Act. Prohibits the marriage of any person under the age of 18. Makes conforming changes in the Act and in the Juvenile Court Act of 1987.

LRB102 24712 LNS 33952 b

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 Juvenile Court Act of 1987 is amended by
5 changing Sections 1-3 and 2-27 as follows:

6 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

7 Sec. 1-3. Definitions. Terms used in this Act, unless the
8 context otherwise requires, have the following meanings
9 ascribed to them:

10 (1) "Adjudicatory hearing" means a hearing to determine
11 whether the allegations of a petition under Section 2-13,
12 3-15, or 4-12 that a minor under 18 years of age is abused,
13 neglected or dependent, or requires authoritative
14 intervention, or addicted, respectively, are supported by a
15 preponderance of the evidence or whether the allegations of a
16 petition under Section 5-520 that a minor is delinquent are
17 proved beyond a reasonable doubt.

18 (2) "Adult" means a person 21 years of age or older.

19 (3) "Agency" means a public or private child care facility
20 legally authorized or licensed by this State for placement or
21 institutional care or for both placement and institutional
22 care.

23 (4) "Association" means any organization, public or

1 private, engaged in welfare functions which include services
2 to or on behalf of children but does not include "agency" as
3 herein defined.

4 (4.05) Whenever a "best interest" determination is
5 required, the following factors shall be considered in the
6 context of the child's age and developmental needs:

7 (a) the physical safety and welfare of the child,
8 including food, shelter, health, and clothing;

9 (b) the development of the child's identity;

10 (c) the child's background and ties, including
11 familial, cultural, and religious;

12 (d) the child's sense of attachments, including:

13 (i) where the child actually feels love,
14 attachment, and a sense of being valued (as opposed to
15 where adults believe the child should feel such love,
16 attachment, and a sense of being valued);

17 (ii) the child's sense of security;

18 (iii) the child's sense of familiarity;

19 (iv) continuity of affection for the child;

20 (v) the least disruptive placement alternative for
21 the child;

22 (e) the child's wishes and long-term goals;

23 (f) the child's community ties, including church,
24 school, and friends;

25 (g) the child's need for permanence which includes the
26 child's need for stability and continuity of relationships

- 1 with parent figures and with siblings and other relatives;
- 2 (h) the uniqueness of every family and child;
- 3 (i) the risks attendant to entering and being in
4 substitute care; and
- 5 (j) the preferences of the persons available to care
6 for the child.
- 7 (4.1) "Chronic truant" shall have the definition ascribed
8 to it in Section 26-2a of the School Code.
- 9 (5) "Court" means the circuit court in a session or
10 division assigned to hear proceedings under this Act.
- 11 (6) "Dispositional hearing" means a hearing to determine
12 whether a minor should be adjudged to be a ward of the court,
13 and to determine what order of disposition should be made in
14 respect to a minor adjudged to be a ward of the court.
- 15 (6.5) "Dissemination" or "disseminate" means to publish,
16 produce, print, manufacture, distribute, sell, lease, exhibit,
17 broadcast, display, transmit, or otherwise share information
18 in any format so as to make the information accessible to
19 others.
- 20 (7) "Emancipated minor" means any minor 16 years of age or
21 over who has been completely or partially emancipated under
22 the Emancipation of Minors Act or under this Act.
- 23 (7.03) "Expunge" means to physically destroy the records
24 and to obliterate the minor's name from any official index,
25 public record, or electronic database.
- 26 (7.05) "Foster parent" includes a relative caregiver

1 selected by the Department of Children and Family Services to
2 provide care for the minor.

3 (8) "Guardianship of the person" of a minor means the duty
4 and authority to act in the best interests of the minor,
5 subject to residual parental rights and responsibilities, to
6 make important decisions in matters having a permanent effect
7 on the life and development of the minor and to be concerned
8 with his or her general welfare. It includes but is not
9 necessarily limited to:

10 (a) the authority to consent ~~to marriage,~~ to
11 enlistment in the armed forces of the United States, or to
12 a major medical, psychiatric, and surgical treatment; to
13 represent the minor in legal actions; and to make other
14 decisions of substantial legal significance concerning the
15 minor;

16 (b) the authority and duty of reasonable visitation,
17 except to the extent that these have been limited in the
18 best interests of the minor by court order;

19 (c) the rights and responsibilities of legal custody
20 except where legal custody has been vested in another
21 person or agency; and

22 (d) the power to consent to the adoption of the minor,
23 but only if expressly conferred on the guardian in
24 accordance with Section 2-29, 3-30, or 4-27.

25 (8.1) "Juvenile court record" includes, but is not limited
26 to:

1 (a) all documents filed in or maintained by the
2 juvenile court pertaining to a specific incident,
3 proceeding, or individual;

4 (b) all documents relating to a specific incident,
5 proceeding, or individual made available to or maintained
6 by probation officers;

7 (c) all documents, video or audio tapes, photographs,
8 and exhibits admitted into evidence at juvenile court
9 hearings; or

10 (d) all documents, transcripts, records, reports, or
11 other evidence prepared by, maintained by, or released by
12 any municipal, county, or State agency or department, in
13 any format, if indicating involvement with the juvenile
14 court relating to a specific incident, proceeding, or
15 individual.

16 (8.2) "Juvenile law enforcement record" includes records
17 of arrest, station adjustments, fingerprints, probation
18 adjustments, the issuance of a notice to appear, or any other
19 records or documents maintained by any law enforcement agency
20 relating to a minor suspected of committing an offense, and
21 records maintained by a law enforcement agency that identifies
22 a juvenile as a suspect in committing an offense, but does not
23 include records identifying a juvenile as a victim, witness,
24 or missing juvenile and any records created, maintained, or
25 used for purposes of referral to programs relating to
26 diversion as defined in subsection (6) of Section 5-105.

1 (9) "Legal custody" means the relationship created by an
2 order of court in the best interests of the minor which imposes
3 on the custodian the responsibility of physical possession of
4 a minor and the duty to protect, train and discipline him and
5 to provide him with food, shelter, education and ordinary
6 medical care, except as these are limited by residual parental
7 rights and responsibilities and the rights and
8 responsibilities of the guardian of the person, if any.

9 (9.1) "Mentally capable adult relative" means a person 21
10 years of age or older who is not suffering from a mental
11 illness that prevents him or her from providing the care
12 necessary to safeguard the physical safety and welfare of a
13 minor who is left in that person's care by the parent or
14 parents or other person responsible for the minor's welfare.

15 (10) "Minor" means a person under the age of 21 years
16 subject to this Act.

17 (11) "Parent" means a father or mother of a child and
18 includes any adoptive parent. It also includes a person (i)
19 whose parentage is presumed or has been established under the
20 law of this or another jurisdiction or (ii) who has registered
21 with the Putative Father Registry in accordance with Section
22 12.1 of the Adoption Act and whose paternity has not been ruled
23 out under the law of this or another jurisdiction. It does not
24 include a parent whose rights in respect to the minor have been
25 terminated in any manner provided by law. It does not include a
26 person who has been or could be determined to be a parent under

1 the Illinois Parentage Act of 1984 or the Illinois Parentage
2 Act of 2015, or similar parentage law in any other state, if
3 that person has been convicted of or pled nolo contendere to a
4 crime that resulted in the conception of the child under
5 Section 11-1.20, 11-1.30, 11-1.40, 11-11, 12-13, 12-14,
6 12-14.1, subsection (a) or (b) (but not subsection (c)) of
7 Section 11-1.50 or 12-15, or subsection (a), (b), (c), (e), or
8 (f) (but not subsection (d)) of Section 11-1.60 or 12-16 of the
9 Criminal Code of 1961 or the Criminal Code of 2012, or similar
10 statute in another jurisdiction unless upon motion of any
11 party, other than the offender, to the juvenile court
12 proceedings the court finds it is in the child's best interest
13 to deem the offender a parent for purposes of the juvenile
14 court proceedings.

15 (11.1) "Permanency goal" means a goal set by the court as
16 defined in subdivision (2) of Section 2-28.

17 (11.2) "Permanency hearing" means a hearing to set the
18 permanency goal and to review and determine (i) the
19 appropriateness of the services contained in the plan and
20 whether those services have been provided, (ii) whether
21 reasonable efforts have been made by all the parties to the
22 service plan to achieve the goal, and (iii) whether the plan
23 and goal have been achieved.

24 (12) "Petition" means the petition provided for in Section
25 2-13, 3-15, 4-12 or 5-520, including any supplemental
26 petitions thereunder in Section 3-15, 4-12 or 5-520.

1 (12.1) "Physically capable adult relative" means a person
2 21 years of age or older who does not have a severe physical
3 disability or medical condition, or is not suffering from
4 alcoholism or drug addiction, that prevents him or her from
5 providing the care necessary to safeguard the physical safety
6 and welfare of a minor who is left in that person's care by the
7 parent or parents or other person responsible for the minor's
8 welfare.

9 (12.2) "Post Permanency Sibling Contact Agreement" has the
10 meaning ascribed to the term in Section 7.4 of the Children and
11 Family Services Act.

12 (12.3) "Residential treatment center" means a licensed
13 setting that provides 24-hour care to children in a group home
14 or institution, including a facility licensed as a child care
15 institution under Section 2.06 of the Child Care Act of 1969, a
16 licensed group home under Section 2.16 of the Child Care Act of
17 1969, a secure child care facility as defined in paragraph
18 (18) of this Section, or any similar facility in another
19 state. "Residential treatment center" does not include a
20 relative foster home or a licensed foster family home.

21 (13) "Residual parental rights and responsibilities" means
22 those rights and responsibilities remaining with the parent
23 after the transfer of legal custody or guardianship of the
24 person, including, but not necessarily limited to, the right
25 to reasonable visitation (which may be limited by the court in
26 the best interests of the minor as provided in subsection

1 (8) (b) of this Section), the right to consent to adoption, the
2 right to determine the minor's religious affiliation, and the
3 responsibility for his support.

4 (14) "Shelter" means the temporary care of a minor in
5 physically unrestricting facilities pending court disposition
6 or execution of court order for placement.

7 (14.05) "Shelter placement" means a temporary or emergency
8 placement for a minor, including an emergency foster home
9 placement.

10 (14.1) "Sibling Contact Support Plan" has the meaning
11 ascribed to the term in Section 7.4 of the Children and Family
12 Services Act.

13 (14.2) "Significant event report" means a written document
14 describing an occurrence or event beyond the customary
15 operations, routines, or relationships in the Department of
16 Children of Family Services, a child care facility, or other
17 entity that is licensed or regulated by the Department of
18 Children of Family Services or that provides services for the
19 Department of Children of Family Services under a grant,
20 contract, or purchase of service agreement; involving children
21 or youth, employees, foster parents, or relative caregivers;
22 allegations of abuse or neglect or any other incident raising
23 a concern about the well-being of a minor under the
24 jurisdiction of the court under Article II of the Juvenile
25 Court Act; incidents involving damage to property, allegations
26 of criminal activity, misconduct, or other occurrences

1 affecting the operations of the Department of Children of
2 Family Services or a child care facility; any incident that
3 could have media impact; and unusual incidents as defined by
4 Department of Children and Family Services rule.

5 (15) "Station adjustment" means the informal handling of
6 an alleged offender by a juvenile police officer.

7 (16) "Ward of the court" means a minor who is so adjudged
8 under Section 2-22, 3-23, 4-20 or 5-705, after a finding of the
9 requisite jurisdictional facts, and thus is subject to the
10 dispositional powers of the court under this Act.

11 (17) "Juvenile police officer" means a sworn police
12 officer who has completed a Basic Recruit Training Course, has
13 been assigned to the position of juvenile police officer by
14 his or her chief law enforcement officer and has completed the
15 necessary juvenile officers training as prescribed by the
16 Illinois Law Enforcement Training Standards Board, or in the
17 case of a State police officer, juvenile officer training
18 approved by the Director of the Illinois State Police.

19 (18) "Secure child care facility" means any child care
20 facility licensed by the Department of Children and Family
21 Services to provide secure living arrangements for children
22 under 18 years of age who are subject to placement in
23 facilities under the Children and Family Services Act and who
24 are not subject to placement in facilities for whom standards
25 are established by the Department of Corrections under Section
26 3-15-2 of the Unified Code of Corrections. "Secure child care

1 facility" also means a facility that is designed and operated
2 to ensure that all entrances and exits from the facility, a
3 building, or a distinct part of the building are under the
4 exclusive control of the staff of the facility, whether or not
5 the child has the freedom of movement within the perimeter of
6 the facility, building, or distinct part of the building.

7 (Source: P.A. 102-538, eff. 8-20-21.)

8 (705 ILCS 405/2-27) (from Ch. 37, par. 802-27)

9 Sec. 2-27. Placement; legal custody or guardianship.

10 (1) If the court determines and puts in writing the
11 factual basis supporting the determination of whether the
12 parents, guardian, or legal custodian of a minor adjudged a
13 ward of the court are unfit or are unable, for some reason
14 other than financial circumstances alone, to care for,
15 protect, train or discipline the minor or are unwilling to do
16 so, and that the health, safety, and best interest of the minor
17 will be jeopardized if the minor remains in the custody of his
18 or her parents, guardian or custodian, the court may at this
19 hearing and at any later point:

20 (a) place the minor in the custody of a suitable
21 relative or other person as legal custodian or guardian;

22 (a-5) with the approval of the Department of Children
23 and Family Services, place the minor in the subsidized
24 guardianship of a suitable relative or other person as
25 legal guardian; "subsidized guardianship" means a private

1 guardianship arrangement for children for whom the
2 permanency goals of return home and adoption have been
3 ruled out and who meet the qualifications for subsidized
4 guardianship as defined by the Department of Children and
5 Family Services in administrative rules;

6 (b) place the minor under the guardianship of a
7 probation officer;

8 (c) commit the minor to an agency for care or
9 placement, except an institution under the authority of
10 the Department of Corrections or of the Department of
11 Children and Family Services;

12 (d) on and after the effective date of this amendatory
13 Act of the 98th General Assembly and before January 1,
14 2017, commit the minor to the Department of Children and
15 Family Services for care and service; however, a minor
16 charged with a criminal offense under the Criminal Code of
17 1961 or the Criminal Code of 2012 or adjudicated
18 delinquent shall not be placed in the custody of or
19 committed to the Department of Children and Family
20 Services by any court, except (i) a minor less than 16
21 years of age and committed to the Department of Children
22 and Family Services under Section 5-710 of this Act, (ii)
23 a minor under the age of 18 for whom an independent basis
24 of abuse, neglect, or dependency exists, or (iii) a minor
25 for whom the court has granted a supplemental petition to
26 reinstate wardship pursuant to subsection (2) of Section

1 2-33 of this Act. On and after January 1, 2017, commit the
2 minor to the Department of Children and Family Services
3 for care and service; however, a minor charged with a
4 criminal offense under the Criminal Code of 1961 or the
5 Criminal Code of 2012 or adjudicated delinquent shall not
6 be placed in the custody of or committed to the Department
7 of Children and Family Services by any court, except (i) a
8 minor less than 15 years of age and committed to the
9 Department of Children and Family Services under Section
10 5-710 of this Act, (ii) a minor under the age of 18 for
11 whom an independent basis of abuse, neglect, or dependency
12 exists, or (iii) a minor for whom the court has granted a
13 supplemental petition to reinstate wardship pursuant to
14 subsection (2) of Section 2-33 of this Act. An independent
15 basis exists when the allegations or adjudication of
16 abuse, neglect, or dependency do not arise from the same
17 facts, incident, or circumstances which give rise to a
18 charge or adjudication of delinquency. The Department
19 shall be given due notice of the pendency of the action and
20 the Guardianship Administrator of the Department of
21 Children and Family Services shall be appointed guardian
22 of the person of the minor. Whenever the Department seeks
23 to discharge a minor from its care and service, the
24 Guardianship Administrator shall petition the court for an
25 order terminating guardianship. The Guardianship
26 Administrator may designate one or more other officers of

1 the Department, appointed as Department officers by
2 administrative order of the Department Director,
3 authorized to affix the signature of the Guardianship
4 Administrator to documents affecting the guardian-ward
5 relationship of children for whom he or she has been
6 appointed guardian at such times as he or she is unable to
7 perform the duties of his or her office. The signature
8 authorization shall include but not be limited to matters
9 of ~~consent of marriage~~, enlistment in the armed forces,
10 legal proceedings, adoption, major medical and surgical
11 treatment, and application for driver's license. Signature
12 authorizations made pursuant to the provisions of this
13 paragraph shall be filed with the Secretary of State and
14 the Secretary of State shall provide upon payment of the
15 customary fee, certified copies of the authorization to
16 any court or individual who requests a copy.

17 (1.5) In making a determination under this Section, the
18 court shall also consider whether, based on health, safety,
19 and the best interests of the minor,

20 (a) appropriate services aimed at family preservation
21 and family reunification have been unsuccessful in
22 rectifying the conditions that have led to a finding of
23 unfitness or inability to care for, protect, train, or
24 discipline the minor, or

25 (b) no family preservation or family reunification
26 services would be appropriate,

1 and if the petition or amended petition contained an
2 allegation that the parent is an unfit person as defined in
3 subdivision (D) of Section 1 of the Adoption Act, and the order
4 of adjudication recites that parental unfitness was
5 established by clear and convincing evidence, the court shall,
6 when appropriate and in the best interest of the minor, enter
7 an order terminating parental rights and appointing a guardian
8 with power to consent to adoption in accordance with Section
9 2-29.

10 When making a placement, the court, wherever possible,
11 shall require the Department of Children and Family Services
12 to select a person holding the same religious belief as that of
13 the minor or a private agency controlled by persons of like
14 religious faith of the minor and shall require the Department
15 to otherwise comply with Section 7 of the Children and Family
16 Services Act in placing the child. In addition, whenever
17 alternative plans for placement are available, the court shall
18 ascertain and consider, to the extent appropriate in the
19 particular case, the views and preferences of the minor.

20 (2) When a minor is placed with a suitable relative or
21 other person pursuant to item (a) of subsection (1), the court
22 shall appoint him or her the legal custodian or guardian of the
23 person of the minor. When a minor is committed to any agency,
24 the court shall appoint the proper officer or representative
25 thereof as legal custodian or guardian of the person of the
26 minor. Legal custodians and guardians of the person of the

1 minor have the respective rights and duties set forth in
2 subsection (9) of Section 1-3 except as otherwise provided by
3 order of court; but no guardian of the person may consent to
4 adoption of the minor unless that authority is conferred upon
5 him or her in accordance with Section 2-29. An agency whose
6 representative is appointed guardian of the person or legal
7 custodian of the minor may place the minor in any child care
8 facility, but the facility must be licensed under the Child
9 Care Act of 1969 or have been approved by the Department of
10 Children and Family Services as meeting the standards
11 established for such licensing. No agency may place a minor
12 adjudicated under Sections 2-3 or 2-4 in a child care facility
13 unless the placement is in compliance with the rules and
14 regulations for placement under this Section promulgated by
15 the Department of Children and Family Services under Section 5
16 of the Children and Family Services Act. Like authority and
17 restrictions shall be conferred by the court upon any
18 probation officer who has been appointed guardian of the
19 person of a minor.

20 (3) No placement by any probation officer or agency whose
21 representative is appointed guardian of the person or legal
22 custodian of a minor may be made in any out of State child care
23 facility unless it complies with the Interstate Compact on the
24 Placement of Children. Placement with a parent, however, is
25 not subject to that Interstate Compact.

26 (4) The clerk of the court shall issue to the legal

1 custodian or guardian of the person a certified copy of the
2 order of court, as proof of his authority. No other process is
3 necessary as authority for the keeping of the minor.

4 (5) Custody or guardianship granted under this Section
5 continues until the court otherwise directs, but not after the
6 minor reaches the age of 19 years except as set forth in
7 Section 2-31, or if the minor was previously committed to the
8 Department of Children and Family Services for care and
9 service and the court has granted a supplemental petition to
10 reinstate wardship pursuant to subsection (2) of Section 2-33.

11 (6) (Blank).

12 (Source: P.A. 101-79, eff. 7-12-19.)

13 Section 10. The Illinois Marriage and Dissolution of
14 Marriage Act is amended by changing Sections 203, 212, 301,
15 302, and 403 as follows:

16 (750 ILCS 5/203) (from Ch. 40, par. 203)

17 Sec. 203. License to Marry. When a marriage application
18 has been completed and signed by both parties to a prospective
19 marriage and both parties have appeared before the county
20 clerk and the marriage license fee has been paid, the county
21 clerk shall issue a license to marry and a marriage
22 certificate form upon being furnished:

23 (1) satisfactory proof that each party to the marriage
24 has ~~will have~~ attained the age of 18 years ~~at the time the~~

~~1 marriage license is effective or will have attained the
2 age of 16 years and has either the consent to the marriage
3 of both parents or his guardian or judicial approval;
4 provided, if one parent cannot be located in order to
5 obtain such consent and diligent efforts have been made to
6 locate that parent by the consenting parent, then the
7 consent of one parent plus a signed affidavit by the
8 consenting parent which (i) names the absent parent and
9 states that he or she cannot be located, and (ii) states
10 what diligent efforts have been made to locate the absent
11 parent, shall have the effect of both parents' consent for
12 purposes of this Section;~~

13 (2) satisfactory proof that the marriage is not
14 prohibited; and

15 (3) an affidavit or record as prescribed in
16 subparagraph (1) of Section 205 or a court order as
17 prescribed in subparagraph (2) of Section 205, if
18 applicable.

19 With each marriage license, the county clerk shall provide
20 a pamphlet describing the causes and effects of fetal alcohol
21 syndrome. At least annually, the county board shall submit to
22 the Illinois Department of Public Health a report as to the
23 county clerk's compliance with the requirement that the county
24 clerk provide a pamphlet with each marriage license. All
25 funding and production costs for the aforementioned
26 educational pamphlets for distribution to each county clerk

1 shall be provided by non-profit, non-sectarian statewide
2 programs that provide education, advocacy, support, and
3 prevention services pertaining to Fetal Alcohol Syndrome.

4 (Source: P.A. 96-1323, eff. 1-1-11.)

5 (750 ILCS 5/212) (from Ch. 40, par. 212)

6 Sec. 212. Prohibited Marriages.

7 (a) The following marriages are prohibited:

8 (1) a marriage entered into prior to the dissolution
9 of an earlier marriage, civil union, or substantially
10 similar legal relationship of one of the parties, unless
11 the parties to the marriage are the same as the parties to
12 a civil union and are seeking to convert their civil union
13 to a marriage pursuant to Section 65 of the Illinois
14 Religious Freedom Protection and Civil Union Act;

15 (2) a marriage between an ancestor and a descendant or
16 between siblings, whether the relationship is by the half
17 or the whole blood or by adoption;

18 (3) a marriage between an uncle and a niece, between
19 an uncle and a nephew, between an aunt and a nephew, or
20 between an aunt and a niece, whether the relationship is
21 by the half or the whole blood;

22 (4) a marriage between cousins of the first degree;
23 however, a marriage between first cousins is not
24 prohibited if:

25 (i) both parties are 50 years of age or older; or

1 (ii) either party, at the time of application for
2 a marriage license, presents for filing with the
3 county clerk of the county in which the marriage is to
4 be solemnized, a certificate signed by a licensed
5 physician stating that the party to the proposed
6 marriage is permanently and irreversibly sterile;

7 (5) (blank);

8 (6) a marriage of any person under the age of 18.

9 (b) Parties to a marriage prohibited under subsection (a)
10 of this Section who cohabit after removal of the impediment
11 are lawfully married as of the date of the removal of the
12 impediment.

13 (c) Children born or adopted of a prohibited or common law
14 marriage are the lawful children of the parties.

15 (Source: P.A. 98-597, eff. 6-1-14.)

16 (750 ILCS 5/301) (from Ch. 40, par. 301)

17 Sec. 301. Declaration of Invalidity - Grounds.→ The court
18 shall enter its judgment declaring the invalidity of a
19 marriage (formerly known as annulment) entered into under the
20 following circumstances:

21 (1) a party lacked capacity to consent to the marriage at
22 the time the marriage was solemnized, either because of mental
23 incapacity or infirmity or because of the influence of
24 alcohol, drugs, or other incapacitating substances, or a party
25 was induced to enter into a marriage by force or duress or by

1 fraud involving the essentials of marriage;

2 (2) a party lacks the physical capacity to consummate the
3 marriage by sexual intercourse and at the time the marriage
4 was solemnized the other party did not know of the incapacity;

5 (3) (blank) ~~a party was aged 16 or 17 years and did not~~
6 ~~have the consent of his parents or guardian or judicial~~
7 ~~approval;~~ or

8 (4) the marriage is prohibited.

9 (Source: P.A. 80-923.)

10 (750 ILCS 5/302) (from Ch. 40, par. 302)

11 Sec. 302. Time of commencement.

12 ~~Time of Commencement.)~~ (a) A declaration of invalidity
13 under paragraph (1) or (2) ~~paragraphs (1) through (3)~~ of
14 Section 301 may be sought by any of the following persons and
15 must be commenced within the times specified:

16 (1) for any of the reasons set forth in paragraph (1) of
17 Section 301, by either party or by the legal representative of
18 the party who lacked capacity to consent, no later than 90 days
19 after the petitioner obtained knowledge of the described
20 condition;

21 (2) for the reason set forth in paragraph (2) of Section
22 301, by either party, no later than one year after the
23 petitioner obtained knowledge of the described condition;

24 (3) (blank) ~~for the reason set forth in paragraph (3) of~~
25 ~~Section 301, by the underaged party, his parent or guardian,~~

1 ~~prior to the time the underaged party reaches the age at which~~
2 ~~he could have married without needing to satisfy the omitted~~
3 ~~requirement.~~

4 (b) In no event may a declaration of invalidity of
5 marriage be sought after the death of either party to the
6 marriage under paragraph (1) or (2) ~~subsections (1), (2) and~~
7 ~~(3)~~ of Section 301.

8 (c) A declaration of invalidity for the reason set forth
9 in paragraph (4) of Section 301 may be sought by either party,
10 the legal spouse in case of a bigamous marriage, the State's
11 Attorney or a child of either party, at any time not to exceed
12 3 years following the death of the first party to die.

13 (Source: P.A. 80-923.)

14 (750 ILCS 5/403) (from Ch. 40, par. 403)

15 Sec. 403. Pleadings - Commencement - Abolition of Existing
16 Defenses - Procedure.

17 (a) The complaint or petition for dissolution of marriage
18 or legal separation shall be verified and shall minimally set
19 forth:

20 (1) the age, occupation and residence of each party
21 and his length of residence in this State;

22 (2) the date of the marriage and the place at which it
23 was registered;

24 (2.5) whether a petition for dissolution of marriage
25 is pending in any other county or state;

1 (3) that the jurisdictional requirements of subsection
2 (a) of Section 401 have been met and that irreconcilable
3 differences have caused the irretrievable breakdown of the
4 marriage;

5 (4) the names, ages and addresses of all living
6 children of the marriage and whether a spouse is pregnant;

7 (5) any arrangements as to support, allocation of
8 parental responsibility of the children and maintenance of
9 a spouse; and

10 (6) the relief sought.

11 (b) Either or both parties to the marriage may initiate
12 the proceeding. A minor may independently initiate the
13 proceeding in the minor's own name and appear on the minor's
14 own behalf without a parent, guardian, guardian ad litem, next
15 friend, or other appointed person.

16 (c) (Blank).

17 (d) The court may join additional parties necessary and
18 proper for the exercise of its authority under this Act.

19 (e) Contested trials shall be on a bifurcated basis with
20 the issue of whether irreconcilable differences have caused
21 the irretrievable breakdown of the marriage, as described in
22 Section 401, being tried first, regardless of whether that
23 issue is contested or uncontested. Upon the court determining
24 that irreconcilable differences have caused the irretrievable
25 breakdown of the marriage, the court may allow additional time
26 for the parties to settle amicably the remaining issues before

1 resuming the trial, or may proceed immediately to trial on the
2 remaining issues. The court has the discretion to use the date
3 of the trial or such other date as agreed upon by the parties,
4 or ordered by the court within its discretion, for purposes of
5 determining the value of assets or property. In cases where
6 the requirements of Section 401 are uncontested and proved as
7 in cases of default, the trial on all other remaining issues
8 shall proceed immediately, if so ordered by the court or if the
9 parties so stipulate. Except as provided in subsection (b) of
10 Section 401, the court shall enter a judgment of dissolution
11 of marriage, including an order dissolving the marriage,
12 incorporation of a marital settlement agreement if applicable,
13 and any other appropriate findings or orders, only at the
14 conclusion of the case and not after hearing only the
15 testimony as to whether irreconcilable differences have caused
16 the irretrievable breakdown of the marriage.

17 (f) (Blank).

18 (Source: P.A. 99-90, eff. 1-1-16.)