



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2749

Introduced 1/16/2024, by Sen. Laura M. Murphy

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.

LRB103 35885 LNS 65970 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 the minor's 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 the
5 minor and to provide the minor with food, shelter, education,
6 and ordinary medical care, except as these are limited by
7 residual parental rights and responsibilities and the rights
8 and 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 the person 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 the person 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 qualified residential treatment program under Section
18 2.35 of the Child Care Act of 1969, a secure child care
19 facility as defined in paragraph (18) of this Section, or any
20 similar facility in another state. "Residential treatment
21 center" does not include a relative foster home or a licensed
22 foster family home.

23 (13) "Residual parental rights and responsibilities" means
24 those rights and responsibilities remaining with the parent
25 after the transfer of legal custody or guardianship of the
26 person, including, but not necessarily limited to, the right

1 to reasonable visitation (which may be limited by the court in
2 the best interests of the minor as provided in subsection
3 (8)(b) of this Section), the right to consent to adoption, the
4 right to determine the minor's religious affiliation, and the
5 responsibility for the minor's support.

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

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

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

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

1 Court Act of 1987; incidents involving damage to property,
2 allegations of criminal activity, misconduct, or other
3 occurrences affecting the operations of the Department of
4 Children of Family Services or a child care facility; any
5 incident that could have media impact; and unusual incidents
6 as defined by Department of Children and Family Services rule.

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

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

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

21 (18) "Secure child care facility" means any child care
22 facility licensed by the Department of Children and Family
23 Services to provide secure living arrangements for children
24 under 18 years of age who are subject to placement in
25 facilities under the Children and Family Services Act and who
26 are not subject to placement in facilities for whom standards

1 are established by the Department of Corrections under Section
2 3-15-2 of the Unified Code of Corrections. "Secure child care
3 facility" also means a facility that is designed and operated
4 to ensure that all entrances and exits from the facility, a
5 building, or a distinct part of the building are under the
6 exclusive control of the staff of the facility, whether or not
7 the child has the freedom of movement within the perimeter of
8 the facility, building, or distinct part of the building.

9 (Source: P.A. 102-538, eff. 8-20-21; 103-22, eff. 8-8-23;
10 103-564, eff. 11-17-23.)

11 (705 ILCS 405/2-27) (from Ch. 37, par. 802-27)

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

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

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

25 (a-5) with the approval of the Department of Children

1 and Family Services, place the minor in the subsidized
2 guardianship of a suitable relative or other person as
3 legal guardian; "subsidized guardianship" means a private
4 guardianship arrangement for children for whom the
5 permanency goals of return home and adoption have been
6 ruled out and who meet the qualifications for subsidized
7 guardianship as defined by the Department of Children and
8 Family Services in administrative rules;

9 (b) place the minor under the guardianship of a
10 probation officer;

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

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

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

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

22 (1.5) In making a determination under this Section, the
23 court shall also consider whether, based on health, safety,
24 and the best interests of the minor,

25 (a) appropriate services aimed at family preservation
26 and family reunification have been unsuccessful in

1 rectifying the conditions that have led to a finding of
2 unfitness or inability to care for, protect, train, or
3 discipline the minor, or

4 (b) no family preservation or family reunification
5 services would be appropriate,

6 and if the petition or amended petition contained an
7 allegation that the parent is an unfit person as defined in
8 subdivision (D) of Section 1 of the Adoption Act, and the order
9 of adjudication recites that parental unfitness was
10 established by clear and convincing evidence, the court shall,
11 when appropriate and in the best interest of the minor, enter
12 an order terminating parental rights and appointing a guardian
13 with power to consent to adoption in accordance with Section
14 2-29.

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

25 (2) When a minor is placed with a suitable relative or
26 other person pursuant to item (a) of subsection (1), the court

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

25 (3) No placement by any probation officer or agency whose
26 representative is appointed guardian of the person or legal

1 custodian of a minor may be made in any out of State child care
2 facility unless it complies with the Interstate Compact on the
3 Placement of Children. Placement with a parent, however, is
4 not subject to that Interstate Compact.

5 (4) The clerk of the court shall issue to the legal
6 custodian or guardian of the person a certified copy of the
7 order of court, as proof of the legal custodian's or
8 guardian's authority. No other process is necessary as
9 authority for the keeping of the minor.

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

17 (6) (Blank).

18 (Source: P.A. 103-22, eff. 8-8-23.)

19 Section 10. The Illinois Marriage and Dissolution of
20 Marriage Act is amended by changing Sections 203, 212, 301,
21 302, and 403 as follows:

22 (750 ILCS 5/203) (from Ch. 40, par. 203)

23 Sec. 203. License to Marry. When a marriage application
24 has been completed and signed by both parties to a prospective

1 marriage and both parties have appeared before the county
2 clerk and the marriage license fee has been paid, the county
3 clerk shall issue a license to marry and a marriage
4 certificate form upon being furnished:

5 (1) satisfactory proof that each party to the marriage
6 has ~~will have~~ attained the age of 18 years ~~at the time the~~
7 ~~marriage license is effective or will have attained the~~
8 ~~age of 16 years and has either the consent to the marriage~~
9 ~~of both parents or his guardian or judicial approval;~~
10 ~~provided, if one parent cannot be located in order to~~
11 ~~obtain such consent and diligent efforts have been made to~~
12 ~~locate that parent by the consenting parent, then the~~
13 ~~consent of one parent plus a signed affidavit by the~~
14 ~~consenting parent which (i) names the absent parent and~~
15 ~~states that he or she cannot be located, and (ii) states~~
16 ~~what diligent efforts have been made to locate the absent~~
17 ~~parent, shall have the effect of both parents' consent for~~
18 ~~purposes of this Section;~~

19 (2) satisfactory proof that the marriage is not
20 prohibited; and

21 (3) an affidavit or record as prescribed in
22 subparagraph (1) of Section 205 or a court order as
23 prescribed in subparagraph (2) of Section 205, if
24 applicable.

25 With each marriage license, the county clerk shall provide
26 a pamphlet describing the causes and effects of fetal alcohol

1 syndrome. At least annually, the county board shall submit to
2 the Illinois Department of Public Health a report as to the
3 county clerk's compliance with the requirement that the county
4 clerk provide a pamphlet with each marriage license. All
5 funding and production costs for the aforementioned
6 educational pamphlets for distribution to each county clerk
7 shall be provided by non-profit, non-sectarian statewide
8 programs that provide education, advocacy, support, and
9 prevention services pertaining to Fetal Alcohol Syndrome.

10 The changes made by this amendatory Act of the 103rd
11 General Assembly do not invalidate a marriage that was
12 otherwise valid under this Section prior to the changes.

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

14 (750 ILCS 5/212) (from Ch. 40, par. 212)

15 Sec. 212. Prohibited Marriages.

16 (a) The following marriages are prohibited:

17 (1) a marriage entered into prior to the dissolution
18 of an earlier marriage, civil union, or substantially
19 similar legal relationship of one of the parties, unless
20 the parties to the marriage are the same as the parties to
21 a civil union and are seeking to convert their civil union
22 to a marriage pursuant to Section 65 of the Illinois
23 Religious Freedom Protection and Civil Union Act;

24 (2) a marriage between an ancestor and a descendant or
25 between siblings, whether the relationship is by the half

1 or the whole blood or by adoption;

2 (3) a marriage between an uncle and a niece, between
3 an uncle and a nephew, between an aunt and a nephew, or
4 between an aunt and a niece, whether the relationship is
5 by the half or the whole blood;

6 (4) a marriage between cousins of the first degree;
7 however, a marriage between first cousins is not
8 prohibited if:

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

10 (ii) either party, at the time of application for
11 a marriage license, presents for filing with the
12 county clerk of the county in which the marriage is to
13 be solemnized, a certificate signed by a licensed
14 physician stating that the party to the proposed
15 marriage is permanently and irreversibly sterile;

16 (5) (blank);

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

18 (b) Parties to a marriage prohibited under subsection (a)
19 of this Section who cohabit after removal of the impediment
20 are lawfully married as of the date of the removal of the
21 impediment.

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

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

25 (750 ILCS 5/301) (from Ch. 40, par. 301)

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

5 (1) a party lacked capacity to consent to the marriage
6 at the time the marriage was solemnized, either because of
7 mental incapacity or infirmity or because of the influence
8 of alcohol, drugs, or other incapacitating substances, or
9 a party was induced to enter into a marriage by force or
10 duress or by fraud involving the essentials of marriage;

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

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

18 (4) the marriage is prohibited.

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

20 (750 ILCS 5/302) (from Ch. 40, par. 302)

21 Sec. 302. Time of commencement.

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

1 Sec. 403. Pleadings - Commencement - Abolition of Existing
2 Defenses - Procedure.

3 (a) The complaint or petition for dissolution of marriage
4 or legal separation shall be verified and shall minimally set
5 forth:

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

8 (2) the date of the marriage and the place at which it
9 was registered;

10 (2.5) whether a petition for dissolution of marriage
11 is pending in any other county or state;

12 (3) that the jurisdictional requirements of subsection
13 (a) of Section 401 have been met and that irreconcilable
14 differences have caused the irretrievable breakdown of the
15 marriage;

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

18 (5) any arrangements as to support, allocation of
19 parental responsibility of the children, and maintenance
20 of a spouse; and

21 (6) the relief sought.

22 (b) Either or both parties to the marriage may initiate
23 the proceeding. A minor may independently initiate the
24 proceeding in the minor's own name and appear on the minor's
25 own behalf without a parent, guardian, guardian ad litem, next
26 friend, or other appointed person.

1 (c) (Blank).

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

4 (e) Contested trials shall be on a bifurcated basis with
5 the issue of whether irreconcilable differences have caused
6 the irretrievable breakdown of the marriage, as described in
7 Section 401, being tried first, regardless of whether that
8 issue is contested or uncontested. Upon the court determining
9 that irreconcilable differences have caused the irretrievable
10 breakdown of the marriage, the court may allow additional time
11 for the parties to settle amicably the remaining issues before
12 resuming the trial, or may proceed immediately to trial on the
13 remaining issues. The court has the discretion to use the date
14 of the trial or such other date as agreed upon by the parties,
15 or ordered by the court within its discretion, for purposes of
16 determining the value of assets or property. In cases where
17 the requirements of Section 401 are uncontested and proved as
18 in cases of default, the trial on all other remaining issues
19 shall proceed immediately, if so ordered by the court or if the
20 parties so stipulate. Except as provided in subsection (b) of
21 Section 401, the court shall enter a judgment of dissolution
22 of marriage, including an order dissolving the marriage,
23 incorporation of a marital settlement agreement if applicable,
24 and any other appropriate findings or orders, only at the
25 conclusion of the case and not after hearing only the
26 testimony as to whether irreconcilable differences have caused

1 the irretrievable breakdown of the marriage.

2 (f) (Blank).

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