



Sen. Laura M. Murphy

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10300SB2749sam002

LRB103 35885 JRC 70854 a

1 AMENDMENT TO SENATE BILL 2749

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2749 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Marriage and Dissolution of  
5 Marriage Act is amended by changing Sections 203, 208, 301,  
6 302, and 403 as follows:

7 (750 ILCS 5/203) (from Ch. 40, par. 203)

8 Sec. 203. License to Marry. When a marriage application  
9 has been completed and signed by both parties to a prospective  
10 marriage and both parties have appeared before the county  
11 clerk and the marriage license fee has been paid, the county  
12 clerk shall issue a license to marry and a marriage  
13 certificate form upon being furnished:

14 (1) satisfactory proof that each party to the marriage  
15 will have attained the age of 18 years at the time the  
16 marriage license is effective or will have attained the

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

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

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

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

1 programs that provide education, advocacy, support, and  
2 prevention services pertaining to Fetal Alcohol Syndrome.

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

4 (750 ILCS 5/208) (from Ch. 40, par. 208)

5 Sec. 208. Judicial Approval of Underage Marriages. †

6 (a) The court, ~~after a reasonable effort has been made to~~  
7 ~~notify the parents or guardian of each underaged party,~~ may  
8 order the county clerk to issue a marriage license and a  
9 marriage certificate form to a party aged 16 or 17 years upon  
10 the petition or complaint of the underaged party. The  
11 underaged party may independently initiate the proceeding in  
12 the party's own name and on the party's own behalf without a  
13 parent, guardian, guardian ad litem, next friend, or other  
14 appointed person ~~who has no parent capable of consenting to~~  
15 ~~his marriage or whose parent or guardian has not consented to~~  
16 ~~his marriage.~~

17 (b) A marriage license and a marriage certificate form may  
18 be issued under this Section only if the court finds that the  
19 underaged party is capable of assuming the responsibilities of  
20 marriage and the marriage will serve the underaged party's ~~his~~  
21 best interest, and the underaged party voluntarily consents to  
22 the marriage. Pregnancy alone does not establish that the best  
23 interest of the party will be served.

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

1 (750 ILCS 5/301) (from Ch. 40, par. 301)

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

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

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

15 (3) a party was aged 16 or 17 years and did not have ~~the~~  
16 ~~consent of his parents or guardian or~~ judicial approval for  
17 the marriage, or a party was aged 16 to 17 years and did not  
18 have the consent of a parent or guardian or judicial approval  
19 for a marriage solemnized prior to the effective date of this  
20 amendatory Act of the 103rd General Assembly; or

21 (4) the marriage is prohibited.

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

23 (750 ILCS 5/302) (from Ch. 40, par. 302)

24 Sec. 302. Time of Commencement.) (a) A declaration of  
25 invalidity under paragraphs (1) through (3) of Section 301 may

1 be sought by any of the following persons and must be commenced  
2 within the times specified:

3 (1) for any of the reasons set forth in paragraph (1) of  
4 Section 301, by either party or by the legal representative of  
5 the party who lacked capacity to consent, no later than 90 days  
6 after the petitioner obtained knowledge of the described  
7 condition;

8 (2) for the reason set forth in paragraph (2) of Section  
9 301, by either party, no later than one year after the  
10 petitioner obtained knowledge of the described condition;

11 (3) for the reason set forth in paragraph (3) of Section  
12 301, by the underaged party, ~~his parent or guardian,~~ prior to  
13 the time the underaged party reaches the age at which the  
14 underaged party ~~he~~ could have married without needing to  
15 satisfy the omitted requirement.

16 (b) In no event may a declaration of invalidity of  
17 marriage be sought after the death of either party to the  
18 marriage under subsections (1), (2), and (3) of Section 301.

19 (c) A declaration of invalidity for the reason set forth  
20 in paragraph (4) of Section 301 may be sought by either party,  
21 the legal spouse in case of a bigamous marriage, the State's  
22 Attorney or a child of either party, at any time not to exceed  
23 3 years following the death of the first party to die.

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

25 (750 ILCS 5/403) (from Ch. 40, par. 403)

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 of  
20 a spouse; and

21           (6) the relief sought.

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