



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB2182

Introduced 2/14/2005, by Rep. Michael J. Madigan - Barbara Flynn Currie - John A. Fritchey

#### SYNOPSIS AS INTRODUCED:

740 ILCS 180/2.1

from Ch. 70, par. 2.1

Amends the Wrongful Death Act. Makes a technical change in a Section concerning special administrators.

LRB094 02999 LCB 33000 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 Wrongful Death Act is amended by changing  
5 Section 2.1 as follows:

6 (740 ILCS 180/2.1) (from Ch. 70, par. 2.1)

7 Sec. 2.1. In the ~~the~~ event that the only asset of the  
8 deceased estate is a cause of action arising under this Act,  
9 and no petition for letters of office for his or her estate has  
10 been filed, the court, upon motion of any person who would be  
11 entitled to a recovery under this Act, and after such notice to  
12 the party's heirs or legatees as the court directs, and without  
13 opening of an estate, may appoint a special administrator for  
14 the deceased party for the purpose of prosecuting or defending  
15 the action. If there is more than one special administrator  
16 appointed and one of the administrators is a corporation  
17 qualified to act as a representative of the estate of a  
18 decedent and if the compensation of the attorney or attorneys  
19 representing the special administrators is solely determined  
20 under a contingent fee arrangement, then upon petition and  
21 approval by the court, the special administrator which is a  
22 corporation shall not participate in or have any duty to review  
23 the prosecution of the action, to participate in or review the  
24 appropriateness of any settlement of the action, or to  
25 participate in or review any determination of the  
26 appropriateness of any fees awarded to the attorney or  
27 attorneys employed in the prosecution of the action.

28 If a judgment is entered or the action is settled in favor  
29 of the special administrator, he or she shall distribute the  
30 proceeds as provided by law, except that if proceeds in excess  
31 of \$5,000 are distributable to a minor or person under legal  
32 disability, the court shall allow disbursements and fees to the

1 special administrator and his or her attorney and the balance  
2 shall be administered and distributed under the supervision of  
3 the probate division of the court if the circuit court has a  
4 probate division.

5 (Source: P.A. 92-288, eff. 8-9-01.)