

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 Probate Act of 1975 is amended by changing  
5 Sections 15-1, 15-2, and 25-1 as follows:

6 (755 ILCS 5/15-1) (from Ch. 110 1/2, par. 15-1)

7 Sec. 15-1. Spouse's award.

8 (a) The surviving spouse of a deceased resident of this  
9 State whose estate, whether testate or intestate, is  
10 administered in this State, shall be allowed as the surviving  
11 spouse's own property, exempt from the enforcement of a  
12 judgment, garnishment or attachment in the possession of the  
13 representative, a sum of money that the court deems reasonable  
14 for the proper support of the surviving spouse for the period  
15 of 9 months after the death of the decedent in a manner suited  
16 to the condition in life of the surviving spouse and to the  
17 condition of the estate and an additional sum of money that the  
18 court deems reasonable for the proper support, during that  
19 period, of minor and adult dependent children of the decedent  
20 who reside with the surviving spouse at the time of decedent's  
21 death. The award may in no case be less than \$20,000 ~~\$10,000~~,  
22 together with an additional sum not less than \$10,000 ~~\$5,000~~  
23 for each such child. The award shall be paid to the surviving

1 spouse at such time or times, not exceeding 3 installments, as  
2 the court directs. If the surviving spouse dies before the  
3 award for his support is paid in full, the amount unpaid shall  
4 be paid to his estate. If the surviving spouse dies or abandons  
5 a child before the award for the support of a child is paid in  
6 full, the amount unpaid shall be paid for the benefit of the  
7 child to such person as the court directs.

8 (b) The surviving spouse is entitled to the award unless  
9 the will of the decedent expressly provides that the provisions  
10 thereof for the surviving spouse are in lieu of the award and  
11 the surviving spouse does not renounce the will.

12 (c) The changes made by this amendatory Act of the 96th  
13 General Assembly apply to a decedent whose date of death is on  
14 or after the effective date of this amendatory Act of the 96th  
15 General Assembly.

16 (Source: P.A. 87-287.)

17 (755 ILCS 5/15-2) (from Ch. 110 1/2, par. 15-2)

18 Sec. 15-2. Child's award.

19 (a) If a minor or adult dependent child of the decedent  
20 does not reside with the surviving spouse of the decedent at  
21 the time of decedent's death, there shall be allowed to that  
22 child, exempt from the enforcement of a judgment, garnishment  
23 or attachment in the possession of the representative, a sum of  
24 money that the court deems reasonable for the proper support of  
25 the child for the period of 9 months after the death of the

1 decedent, in a manner suited to the condition in life of the  
2 minor child and to the condition of the estate. The award may  
3 in no case be less than \$10,000 ~~\$5,000~~ and shall be paid for  
4 the benefit of the child to such person as the court directs.

5 (b) If a deceased resident of this State leaves no  
6 surviving spouse, there shall be allowed to all children of the  
7 decedent who were minors at the date of death and all adult  
8 dependent children, exempt from the enforcement of a judgment,  
9 garnishment or attachment in the possession of the  
10 representative, a sum of money that the court deems reasonable  
11 for the proper support of those children for the period of 9  
12 months after the death of the decedent in a manner suited to  
13 the condition in life of those children and to the condition of  
14 the estate. The award may in no case be less than \$10,000  
15 ~~\$5,000~~ for each of those children, together with an additional  
16 sum not less than \$20,000 ~~\$10,000~~ that shall be divided equally  
17 among those children or apportioned as the court directs and  
18 that shall be paid for the benefit of any of those children to  
19 any person that the court directs.

20 (c) The changes made by this amendatory Act of the 96th  
21 General Assembly apply to a decedent whose date of death is on  
22 or after the effective date of this amendatory Act of the 96th  
23 General Assembly.

24 (Source: P.A. 87-287.)

25 (755 ILCS 5/25-1) (from Ch. 110 1/2, par. 25-1)



1 I understand that if no person is named above as my agent for  
 2 service or, if for any reason, service on the named person  
 3 cannot be effectuated, the clerk of the circuit court of  
 4 .....(County) (Judicial Circuit) Illinois is recognized by  
 5 Illinois law as my agent for service of process.

6 2. The decedent's name is ;

7 3. The date of the decedent's death was , and I  
 8 have attached a copy of the death certificate hereto.

9 4. The decedent's place of residence immediately before his  
 10 death was ;

11 5. No letters of office are now outstanding on the  
 12 decedent's estate and no petition for letters is contemplated  
 13 or pending in Illinois or in any other jurisdiction, to my  
 14 knowledge;

15 6. The gross value of the decedent's entire personal  
 16 estate, including the value of all property passing to any  
 17 party either by intestacy or under a will, does not exceed  
 18 \$100,000. (Here, list each asset, e.g., cash, stock, and its  
 19 fair market value.);

20 7. (a) All of the decedent's funeral expenses have been  
 21 paid, or (b) The amount of the decedent's unpaid funeral  
 22 expenses and the name and post office address of each person  
 23 entitled thereto are as follows:

24 Name and post office address	Amount
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25 (Strike either 7(a) or 7(b)).

1 8. There is no known unpaid claimant or contested claim  
2 against the decedent, except as stated in paragraph 7.

3 9. (a) The names and places of residence of any surviving  
4 spouse, minor children and adult dependent\* children of the  
5 decedent are as follows:

6	Name and Relationship	Place of Residence	Age of minor child
8			

9 \* (Note: An adult dependent child is one who is unable to  
10 maintain himself and is likely to become a public charge.)

11 (b) The award allowable to the surviving spouse of a  
12 decedent who was an Illinois resident is \$..... (\$20,000  
13 ~~\$10,000~~, plus \$10,000 ~~\$5,000~~ multiplied by the number of minor  
14 children and adult dependent children who resided with the  
15 surviving spouse at the time of the decedent's death. If any  
16 such child did not reside with the surviving spouse at the time  
17 of the decedent's death, so indicate).

18 (c) If there is no surviving spouse, the award allowable to  
19 the minor children and adult dependent children of a decedent  
20 who was an Illinois resident is \$..... (\$20,000 ~~\$10,000~~,  
21 plus \$10,000 ~~\$5,000~~ multiplied by the number of minor children  
22 and adult dependent children), to be divided among them in  
23 equal shares.

1           10. (a) The decedent left no will. The names, places of  
 2 residence and relationships of the decedent's heirs, and the  
 3 portion of the estate to which each heir is entitled under the  
 4 law where decedent died intestate are as follows:

5           Name, relationship	Age of	Portion of
6           and place of residence	minor	Estate
7	OR	

8  
 9           (b) The decedent left a will, which has been filed with the  
 10 clerk of an appropriate court. A certified copy of the will on  
 11 file is attached. To the best of my knowledge and belief the  
 12 will on file is the decedent's last will and was signed by the  
 13 decedent and the attesting witnesses as required by law and  
 14 would be admissible to probate. The names and places of  
 15 residence of the legatees and the portion of the estate, if  
 16 any, to which each legatee is entitled are as follows:

17           Name, relationship	Age of	Portion of
18           and place of residence	minor	Estate

19  
 20           (Strike either 10(a) or 10(b)).

21           (c) Affiant is unaware of any dispute or potential conflict  
 22 as to the heirship or will of the decedent.

23           11. The property described in paragraph 6 of this affidavit  
 24 should be distributed as follows:

25           Name	Specific sum or property to be distributed
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1 The foregoing statement is made under the penalties of  
2 perjury\* .

3 .....

4 Signature of Affiant

5 \*(Note: A fraudulent statement made under the penalties of  
6 perjury is perjury, as defined in Section 32-2 of the Criminal  
7 Code of 1961.)

8 (c) Appointment of Agent. If safe deposit access is  
9 involved or if sale of any personal property is desirable to  
10 facilitate distribution pursuant to the small estate  
11 affidavit, all persons named in paragraph 11 of the small  
12 estate affidavit (excluding minors and unascertained or  
13 disabled persons) may in writing appoint one or more persons as  
14 their agent for that purpose. The agent shall have power,  
15 without court approval, to gain access to, sell, and distribute  
16 the property for the benefit of all persons named in paragraph  
17 11 of the affidavit; and the payment, delivery, transfer,  
18 access or issuance shall be made or granted to or on the order  
19 of the agent.

20 (d) Release. Upon payment, delivery, transfer, access or  
21 issuance pursuant to a properly executed affidavit, the person  
22 or corporation is released to the same extent as if the  
23 payment, delivery, transfer, access or issuance had been made  
24 or granted to the representative of the estate. Such person or  
25 corporation is not required to see to the application or



1 disposition of the property; but each person to whom a payment,  
2 delivery, transfer, access or issuance is made or given is  
3 answerable therefor to any person having a prior right and is  
4 accountable to any representative of the estate.

5 (e) The affiant signing the small estate affidavit prepared  
6 pursuant to subsection (b) of this Section shall indemnify and  
7 hold harmless all creditors and heirs of the decedent and other  
8 persons relying upon the affidavit who incur loss because of  
9 such reliance. That indemnification shall only be up to the  
10 amount lost because of the act or omission of the affiant. Any  
11 person recovering under this subsection (e) shall be entitled  
12 to reasonable attorney's fees and the expenses of recovery.

13 (f) The affiant of a small estate affidavit who is a  
14 non-resident of Illinois submits himself or herself to the  
15 jurisdiction of Illinois courts for all matters related to the  
16 preparation or use of the affidavit. The affidavit shall  
17 provide the name, address, and phone number of a person whom  
18 the affiant names as his agent for service of process. If no  
19 such person is named or if, for any reason, service on the  
20 named person cannot be effectuated, the clerk of the circuit  
21 court of the county or judicial circuit of which the decedent  
22 was a resident at the time of his death shall be the agent for  
23 service of process.

24 (g) Any action properly taken under this Section, as  
25 amended by Public Act 93-877, on or after August 6, 2004 (the  
26 effective date of Public Act 93-877) is valid regardless of the

1 date of death of the decedent.

2 (h) The changes made by this amendatory Act of the 96th  
3 General Assembly apply to a decedent whose date of death is on  
4 or after the effective date of this amendatory Act of the 96th  
5 General Assembly.

6 (Source: P.A. 93-877, eff. 8-6-04; 94-57, eff. 6-17-05.)

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.