

SB0090



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB0090

Introduced 1/28/2015, by Sen. Ira I. Silverstein

SYNOPSIS AS INTRODUCED:

755 ILCS 5/4-1

from Ch. 110 1/2, par. 4-1

Amends the Probate Act of 1975. Provides that there is a rebuttable presumption that a will is void if it was executed or modified after the testator has been adjudicated disabled and the will was executed or modified without court approval. Provides that the presumption is overcome by clear and convincing evidence that the testator had the capacity to execute the will or codicil at the time the will or codicil was executed.

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A BILL FOR

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 Section 4-1 as follows:

6 (755 ILCS 5/4-1) (from Ch. 110 1/2, par. 4-1)

7 Sec. 4-1. Capacity of testator.†

8 (a) Every person who has attained the age of 18 years and
9 is of sound mind and memory has power to bequeath by will the
10 real and personal estate which he has at the time of his death.

11 (b) There is a rebuttable presumption that a will is void
12 if it was executed or modified after the testator has been
13 adjudicated disabled under Article XIa of this Act and the will
14 was executed or modified without court approval. The
15 presumption established by this subsection (b) is overcome by
16 clear and convincing evidence that the testator had the
17 capacity to execute the will or codicil at the time the will or
18 codicil was executed.

19 (Source: P.A. 80-808.)