

HB1553



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB1553

by Rep. Michael J. Madigan

SYNOPSIS AS INTRODUCED:

750 ILCS 5/105

from Ch. 40, par. 105

Amends the Illinois Marriage and Dissolution of Marriage Act. Makes a technical change in a Section concerning the application of the Civil Practice Law.

LRB100 03395 HEP 13400 b

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 Illinois Marriage and Dissolution of
5 Marriage Act is amended by changing Section 105 as follows:

6 (750 ILCS 5/105) (from Ch. 40, par. 105)

7 Sec. 105. Application of Civil Practice Law.)

8 (a) The ~~The~~ provisions of the Civil Practice Law shall
9 apply to all proceedings under this Act, except as otherwise
10 provided in this Act.

11 (b) A proceeding for dissolution of marriage, legal
12 separation or declaration of invalidity of marriage shall be
13 entitled "In re the Marriage of ... and ...". A parental
14 responsibility allocation or support proceeding shall be
15 entitled "In re the (Parental Responsibility) (Support) of
16 ...".

17 (c) The initial pleading in all proceedings under this Act
18 shall be denominated a petition. A responsive pleading shall be
19 denominated a response. If new matter by way of defense is
20 pleaded in the response, a reply may be filed by the
21 petitioner, but the failure to reply is not an admission of the
22 legal sufficiency of the new matter. All other pleadings under
23 this Act shall be denominated as provided in the Civil Practice

1 Law.

2 (d) As used in this Section, "pleadings" includes any
3 petition or motion filed in the dissolution of marriage case
4 which, if independently filed, would constitute a separate
5 cause of action, including, but not limited to, actions for
6 declaratory judgment, injunctive relief, and orders of
7 protection. Actions under this subsection are subject to
8 motions filed pursuant to Sections 2-615 and 2-619 of the Code
9 of Civil Procedure.

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