

SB2570



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB2570

Introduced 1/13/2010, by Sen. Dale A. Righter

SYNOPSIS AS INTRODUCED:

735 ILCS 5/2-1203
750 ILCS 5/413

from Ch. 110, par. 2-1203
from Ch. 40, par. 413

Amends the Code of Civil Procedure and the Illinois Marriage and Dissolution of Marriage Act. Provides that a monetary child support or maintenance order shall not be suspended or stayed due to a post-judgment motion.

LRB096 14819 AJ0 29682 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 Code of Civil Procedure is amended by
5 changing Section 2-1203 as follows:

6 (735 ILCS 5/2-1203) (from Ch. 110, par. 2-1203)

7 Sec. 2-1203. Motions after judgment in non-jury cases.

8 (a) In all cases tried without a jury, any party may,
9 within 30 days after the entry of the judgment or within any
10 further time the court may allow within the 30 days or any
11 extensions thereof, file a motion for a rehearing, or a
12 retrial, or modification of the judgment or to vacate the
13 judgment or for other relief.

14 (b) Except as provided in subsection (a) of Section 413 of
15 the Illinois Marriage and Dissolution of Marriage Act, a ~~A~~
16 motion filed in apt time stays enforcement of the judgment
17 except that a judgment granting injunctive or declaratory
18 relief shall be stayed only by a court order that follows a
19 separate application that sets forth just cause for staying the
20 enforcement.

21 (Source: P.A. 95-902, eff. 1-1-09.)

22 Section 10. The Illinois Marriage and Dissolution of

1 Marriage Act is amended by changing Section 413 as follows:

2 (750 ILCS 5/413) (from Ch. 40, par. 413)

3 Sec. 413. Judgment.) (a) A judgment of dissolution of
4 marriage or of legal separation or of declaration of invalidity
5 of marriage is final when entered, subject to the right of
6 appeal. An appeal from the judgment of dissolution of marriage
7 that does not challenge the finding as to grounds does not
8 delay the finality of that provision of the judgment which
9 dissolves the marriage, beyond the time for appealing from that
10 provision, and either of the parties may remarry pending
11 appeal. An order directing payment of money for support or
12 maintenance of the spouse or the minor child or children shall
13 not be suspended or the enforcement thereof stayed pending the
14 appeal. An order directing payment of money for support or
15 maintenance of the spouse or the minor child or children shall
16 not be suspended or the enforcement thereof stayed following
17 the entry of a judgment for dissolution of marriage due to the
18 filing of post-judgment motions, including a motion filed under
19 Section 2-1203 of the Code of Civil Procedure.

20 (b) The clerk of the court shall give notice of the entry
21 of a judgment of dissolution of marriage or legal separation or
22 a declaration of invalidity of marriage:

23 (1) if the marriage is registered in this State, to the
24 county clerk of the county where the marriage is registered,
25 who shall enter the fact of dissolution of marriage or legal

1 separation or declaration of invalidity of marriage in the
2 marriage registry; and within 45 days after the close of the
3 month in which the judgment is entered, the clerk shall forward
4 the certificate to the Department of Public Health on a form
5 furnished by the Department; or

6 (2) if the marriage is registered in another jurisdiction,
7 to the appropriate official of that jurisdiction, with the
8 request that he enter the fact of dissolution of marriage or
9 legal separation or declaration of invalidity of marriage in
10 the appropriate record.

11 (c) Upon request by a wife whose marriage is dissolved or
12 declared invalid, the court shall order her maiden name or a
13 former name restored.

14 (d) A judgment of dissolution of marriage or legal
15 separation, if made, shall be awarded to both of the parties,
16 and shall provide that it affects the status previously
17 existing between the parties in the manner adjudged.

18 (Source: P.A. 84-546.)