HB4893

99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB4893

by Rep. Jim Durkin

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.

LRB099 17828 HEP 42190 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.)