

# SB1444



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

SB1444

Introduced 2/6/2013, by Sen. Mattie Hunter

#### SYNOPSIS AS INTRODUCED:

750 ILCS 5/502

from Ch. 40, par. 502

Amends the Illinois Marriage and Dissolution of Marriage Act. Provides that parties to a dissolution proceeding may enter into a written (instead of "written or oral") agreement containing provisions for disposition of any property, maintenance, and support, custody, and visitation of children. Provides that the agreement shall be signed by both parties.

LRB098 06740 HEP 36788 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 502 as follows:

6 (750 ILCS 5/502) (from Ch. 40, par. 502)

7 Sec. 502. Agreement. (a) To promote amicable settlement of  
8 disputes between parties to a marriage attendant upon the  
9 dissolution of their marriage, the parties may enter into a  
10 written ~~or oral~~ agreement containing provisions for  
11 disposition of any property owned by either of them,  
12 maintenance of either of them and support, custody and  
13 visitation of their children. An agreement under this Section  
14 shall be signed by both parties.

15 (b) The terms of the agreement, except those providing for  
16 the support, custody and visitation of children, are binding  
17 upon the court unless it finds, after considering the economic  
18 circumstances of the parties and any other relevant evidence  
19 produced by the parties, on their own motion or on request of  
20 the court, that the agreement is unconscionable.

21 (c) If the court finds the agreement unconscionable, it may  
22 request the parties to submit a revised agreement or upon  
23 hearing, may make orders for the disposition of property,

1 maintenance, child support and other matters.

2 (d) Unless the agreement provides to the contrary, its  
3 terms shall be set forth in the judgment, and the parties shall  
4 be ordered to perform under such terms, or if the agreement  
5 provides that its terms shall not be set forth in the judgment,  
6 the judgment shall identify the agreement and state that the  
7 court has approved its terms.

8 (e) Terms of the agreement set forth in the judgment are  
9 enforceable by all remedies available for enforcement of a  
10 judgment, including contempt, and are enforceable as contract  
11 terms.

12 (f) Except for terms concerning the support, custody or  
13 visitation of children, the judgment may expressly preclude or  
14 limit modification of terms set forth in the judgment if the  
15 agreement so provides. Otherwise, terms of an agreement set  
16 forth in the judgment are automatically modified by  
17 modification of the judgment.

18 (Source: P.A. 83-216.)