



Rep. Elaine Nekritz

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10000HB2559ham002

LRB100 10923 MRW 24045 a

1 AMENDMENT TO HOUSE BILL 2559

2 AMENDMENT NO. _____. Amend House Bill 2559 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Civil Procedure is amended by
5 changing Section 21-101 and by adding Section 21-102.5 as
6 follows:

7 (735 ILCS 5/21-101) (from Ch. 110, par. 21-101)

8 Sec. 21-101. Proceedings; parties.

9 (a) If any person who is a resident of this State and has
10 resided in this State for 6 months desires to change his or her
11 name and to assume another name by which to be afterwards
12 called and known, the person may file a petition in the circuit
13 court of the county wherein he or she resides praying for that
14 relief.

15 (b) Before filing a petition, each person 18 years of age
16 or older who will be subject to a change of name under the

1 petition if granted must initiate a criminal history records
2 check with the Department of State Police. The criminal history
3 records check does not apply to any other person under 18 years
4 of age included in the petition under subsection (d) of this
5 Section. The Department shall allow a person to use the Access
6 and Review process, established by rule in the Department, for
7 this purpose. Upon completion of the criminal history records
8 check, the petitioner shall attach the results of each records
9 check to the petition to be filed with the court. ~~If it appears~~
10 ~~to the court that the conditions hereinafter mentioned have~~
11 ~~been complied with and that there is no reason why the prayer~~
12 ~~should not be granted, the court, by an order to be entered of~~
13 ~~record, may direct and provide that the name of that person be~~
14 ~~changed in accordance with the prayer in the petition.~~

15 (c) The filing of a petition in accordance with this
16 Section shall be the sole and exclusive means by which any
17 person committed under the laws of this State to a penal
18 institution may change his or her name and assume another name.
19 However, any person convicted of a felony in this State or any
20 other state who has not been pardoned may not file a petition
21 for a name change until 10 years have passed since completion
22 and discharge from his or her sentence. A person who has been
23 convicted of identity theft, aggravated identity theft, felony
24 or misdemeanor criminal sexual abuse when the victim of the
25 offense at the time of its commission is under 18 years of age,
26 felony or misdemeanor sexual exploitation of a child, felony or

1 misdemeanor indecent solicitation of a child, or felony or
2 misdemeanor indecent solicitation of an adult, or any other
3 offense for which a person is required to register under the
4 Sex Offender Registration Act in this State or any other state
5 who has not been pardoned shall not be permitted to file a
6 petition for a name change in the courts of Illinois.

7 (d) A petitioner may include his or her spouse and adult
8 unmarried children, with their consent, and his or her minor
9 children where it appears to the court that it is for their
10 best interest, in the petition and prayer, and the court's
11 order shall then include the spouse and children. Whenever any
12 minor has resided in the family of any person for the space of
13 3 years and has been recognized and known as an adopted child
14 in the family of that person, the application herein provided
15 for may be made by the person having that minor in his or her
16 family.

17 An order shall be entered as to a minor only if the court
18 finds by clear and convincing evidence that the change is
19 necessary to serve the best interest of the child. In
20 determining the best interest of a minor child under this
21 Section, the court shall consider all relevant factors,
22 including:

23 (1) The wishes of the child's parents and any person
24 acting as a parent who has physical custody of the child.

25 (2) The wishes of the child and the reasons for those
26 wishes. The court may interview the child in chambers to

1 ascertain the child's wishes with respect to the change of
2 name. Counsel shall be present at the interview unless
3 otherwise agreed upon by the parties. The court shall cause
4 a court reporter to be present who shall make a complete
5 record of the interview instantaneously to be part of the
6 record in the case.

7 (3) The interaction and interrelationship of the child
8 with his or her parents or persons acting as parents who
9 have physical custody of the child, step-parents,
10 siblings, step-siblings, or any other person who may
11 significantly affect the child's best interest.

12 (4) The child's adjustment to his or her home, school,
13 and community.

14 (e) If it appears to the court that the conditions and
15 requirements under this Article have been complied with and
16 that there is no reason why the prayer should not be granted,
17 the court, by an order to be entered of record, may direct and
18 provide that the name of that person be changed in accordance
19 with the prayer in the petition. If the circuit court orders
20 that the petition be granted, a copy of the order, including a
21 copy of each applicable access and review response, shall be
22 forwarded to the Department of State Police. The Department of
23 State Police shall update any criminal history record
24 information system or offender registration of each person 18
25 years of age or older in the order to include the change of
26 name as well as his or her former name.

1 (Source: P.A. 94-944, eff. 1-1-07.)

2 (735 ILCS 5/21-102.5 new)

3 Sec. 21-102.5. Notice; objection.

4 (a) The circuit court clerk shall promptly serve a copy of
5 the petition on the State's Attorney where the petitioner
6 resides.

7 (b) The State's Attorney may file an objection to the
8 petition. All objections shall be in writing, shall be filed
9 with the circuit court clerk, and shall state with specificity
10 the basis of the objection. Objections to a petition must be
11 filed within 30 days of the date of service of the petition
12 upon the State's Attorney."