



Rep. Elaine Nekritz

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10000HB2559ham003

LRB100 10923 MRW 25325 a

1 AMENDMENT TO HOUSE BILL 2559

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

5 "Section 5. The Code of Civil Procedure is amended by
6 changing Sections 21-101 and 21-102 and by adding Section
7 21-102.5 as follows:

8 (735 ILCS 5/21-101) (from Ch. 110, par. 21-101)

9 Sec. 21-101. Proceedings; parties.

10 (a) If any person who is a resident of this State and has
11 resided in this State for 6 months desires to change his or her
12 name and to assume another name by which to be afterwards
13 called and known, the person may file a petition in the circuit
14 court of the county wherein he or she resides praying for that
15 relief. ~~If it appears to the court that the conditions~~
16 ~~hereinafter mentioned have been complied with and that there is~~

1 ~~no reason why the prayer should not be granted, the court, by~~
2 ~~an order to be entered of record, may direct and provide that~~
3 ~~the name of that person be changed in accordance with the~~
4 ~~prayer in the petition.~~

5 **(b)** The filing of a petition in accordance with this
6 Section shall be the sole and exclusive means by which any
7 person committed under the laws of this State to a penal
8 institution may change his or her name and assume another name.
9 However, any person convicted of a felony in this State or any
10 other state who has not been pardoned may not file a petition
11 for a name change until 10 years have passed since completion
12 and discharge from his or her sentence. A person who has been
13 convicted of identity theft, aggravated identity theft, felony
14 or misdemeanor criminal sexual abuse when the victim of the
15 offense at the time of its commission is under 18 years of age,
16 felony or misdemeanor sexual exploitation of a child, felony or
17 misdemeanor indecent solicitation of a child, or felony or
18 misdemeanor indecent solicitation of an adult, or any other
19 offense for which a person is required to register under the
20 Sex Offender Registration Act in this State or any other state
21 who has not been pardoned shall not be permitted to file a
22 petition for a name change in the courts of Illinois.

23 **(c)** A petitioner may include his or her spouse and adult
24 unmarried children, with their consent, and his or her minor
25 children where it appears to the court that it is for their
26 best interest, in the petition and prayer, and the court's

1 order shall then include the spouse and children. Whenever any
2 minor has resided in the family of any person for the space of
3 3 years and has been recognized and known as an adopted child
4 in the family of that person, the application herein provided
5 for may be made by the person having that minor in his or her
6 family.

7 An order shall be entered as to a minor only if the court
8 finds by clear and convincing evidence that the change is
9 necessary to serve the best interest of the child. In
10 determining the best interest of a minor child under this
11 Section, the court shall consider all relevant factors,
12 including:

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

15 (2) The wishes of the child and the reasons for those
16 wishes. The court may interview the child in chambers to
17 ascertain the child's wishes with respect to the change of
18 name. Counsel shall be present at the interview unless
19 otherwise agreed upon by the parties. The court shall cause
20 a court reporter to be present who shall make a complete
21 record of the interview instantaneously to be part of the
22 record in the case.

23 (3) The interaction and interrelationship of the child
24 with his or her parents or persons acting as parents who
25 have physical custody of the child, step-parents,
26 siblings, step-siblings, or any other person who may

1 significantly affect the child's best interest.

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

4 (d) If it appears to the court that the conditions and
5 requirements under this Article have been complied with and
6 that there is no reason why the prayer should not be granted,
7 the court, by an order to be entered of record, may direct and
8 provide that the name of that person be changed in accordance
9 with the prayer in the petition. If the circuit court orders
10 that a name change be granted to a person who has been
11 adjudicated or convicted of a felony or misdemeanor offense
12 under the laws of this State or any other state for which a
13 pardon has not been granted, or has an arrest for which a
14 charge has not been filed or a pending charge on a felony or
15 misdemeanor offense, a copy of the order, including a copy of
16 each applicable access and review response, shall be forwarded
17 to the Department of State Police. The Department of State
18 Police shall update any criminal history transcript or offender
19 registration of each person 18 years of age or older in the
20 order to include the change of name as well as his or her
21 former name.

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

23 (735 ILCS 5/21-102) (from Ch. 110, par. 21-102)

24 Sec. 21-102. Petition; update criminal history transcript.

25 (a) The petition shall set forth the name then held, the

1 name sought to be assumed, the residence of the petitioner, the
2 length of time the petitioner has resided in this State, and
3 the state or country of the petitioner's nativity or supposed
4 nativity. The petition shall include a statement, verified
5 under oath as provided under Section 1-109 of this Code,
6 whether or not the petitioner or any other person 18 years of
7 age or older who will be subject to a change of name under the
8 petition if granted: (1) has been adjudicated or convicted of a
9 felony or misdemeanor offense under the laws of this State or
10 any other state for which a pardon has not been granted; or (2)
11 has an arrest for which a charge has not been filed or a
12 pending charge on a felony or misdemeanor offense. The petition
13 shall be signed by the person petitioning or, in case of
14 minors, by the parent or guardian having the legal custody of
15 the minor. The petition shall be verified by the affidavit of
16 some credible person.

17 (b) If the statement provided under subsection (a) of this
18 Section indicates the petitioner or any other person 18 years
19 of age or older who will be subject to a change of name under
20 the petition, if granted, has been adjudicated or convicted of
21 a felony or misdemeanor offense under the laws of this State or
22 any other state for which a pardon has not been granted, or has
23 an arrest for which a charge has not been filed or a pending
24 charge on a felony or misdemeanor offense, the State's Attorney
25 may request the court to or the court may on its own motion,
26 require the person, prior to a hearing on the petition, to

1 initiate an update of his or her criminal history transcript
2 with the Department of State Police. The Department shall allow
3 a person to use the Access and Review process, established by
4 rule in the Department, for this purpose. Upon completion of
5 the update of the criminal history transcript, the petitioner
6 shall file confirmation of each update with the court, which
7 shall seal the records from disclosure outside of court
8 proceedings on the petition.

9 (Source: P.A. 87-409.)

10 (735 ILCS 5/21-102.5 new)

11 Sec. 21-102.5. Notice; objection.

12 (a) The circuit court clerk shall promptly serve a copy of
13 the petition on the State's Attorney and the Department of
14 State Police.

15 (b) The State's Attorney may file an objection to the
16 petition. All objections shall be in writing, shall be filed
17 with the circuit court clerk, and shall state with specificity
18 the basis of the objection. Objections to a petition must be
19 filed within 30 days of the date of service of the petition
20 upon the State's Attorney."