



Sen. Toi W. Hutchinson

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10000HB2723sam002

LRB100 08926 MRW 26688 a

1 AMENDMENT TO HOUSE BILL 2723

2 AMENDMENT NO. _____. Amend House Bill 2723 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Civil Procedure is amended by
5 changing Sections 21-101, 21-102, and 21-103 and by adding
6 Sections 21-102.5 and 21-106 as follows:

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

8 Sec. 21-101. Proceedings; parties. If any person who is a
9 resident of this State and has resided in this State for 6
10 months desires to change his or her name and to assume another
11 name by which to be afterwards called and known, the person may
12 file a petition in the circuit court of the county wherein he
13 or she resides praying for that relief. If it appears to the
14 court that the conditions hereinafter mentioned have been
15 complied with and that there is no reason why the prayer should
16 not be granted, the court, by an order to be entered of record,

1 may direct and provide that the name of that person be changed
2 in accordance with the prayer in the petition. A person who has
3 been convicted of any offense for which a person is required to
4 register under the Sex Offender Registration Act, Murderer and
5 Violent Offender Against Youth Registration Act, or Arsonist
6 Registration Act in this State or any other state who has not
7 been pardoned shall not be permitted to file a petition for a
8 name change in the courts of this State during the period he or
9 she is required to register. A person who has been convicted of
10 a felony offense in this State or any other state whose
11 sentence has not been completed or discharged shall not be
12 permitted to file a petition for a name change in the courts of
13 this State, unless he or she is pardoned for the offense. The
14 ~~filing of a petition in accordance with this Section shall be~~
15 ~~the sole and exclusive means by which any person committed~~
16 ~~under the laws of this State to a penal institution may change~~
17 ~~his or her name and assume another name. However, any person~~
18 ~~convicted of a felony in this State or any other state who has~~
19 ~~not been pardoned may not file a petition for a name change~~
20 ~~until 10 years have passed since completion and discharge from~~
21 ~~his or her sentence. A person who has been convicted of~~
22 ~~identity theft, aggravated identity theft, felony or~~
23 ~~misdemeanor criminal sexual abuse when the victim of the~~
24 ~~offense at the time of its commission is under 18 years of age,~~
25 ~~felony or misdemeanor sexual exploitation of a child, felony or~~
26 ~~misdemeanor indecent solicitation of a child, or felony or~~

1 ~~misdemeanor indecent solicitation of an adult, or any other~~
2 ~~offense for which a person is required to register under the~~
3 ~~Sex Offender Registration Act in this State or any other state~~
4 ~~who has not been pardoned shall not be permitted to file a~~
5 ~~petition for a name change in the courts of Illinois.~~ A
6 petitioner may include his or her spouse and adult unmarried
7 children, with their consent, and his or her minor children
8 where it appears to the court that it is for their best
9 interest, in the petition and prayer, and the court's order
10 shall then include the spouse and children. Whenever any minor
11 has resided in the family of any person for the space of 3
12 years and has been recognized and known as an adopted child in
13 the family of that person, the application herein provided for
14 may be made by the person having that minor in his or her
15 family.

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

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

24 (2) The wishes of the child and the reasons for those
25 wishes. The court may interview the child in chambers to
26 ascertain the child's wishes with respect to the change of

1 name. Counsel shall be present at the interview unless
2 otherwise agreed upon by the parties. The court shall cause
3 a court reporter to be present who shall make a complete
4 record of the interview instantaneously to be part of the
5 record in the case.

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

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

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

14 (735 ILCS 5/21-102) (from Ch. 110, par. 21-102)

15 Sec. 21-102. Petition.

16 (a) The petition shall set forth the name then held, the
17 name sought to be assumed, the residence of the petitioner, the
18 length of time the petitioner has resided in this State, and
19 the state or country of the petitioner's nativity or supposed
20 nativity. The petition shall be signed by the person
21 petitioning or, in case of minors, by the parent or guardian
22 having the legal custody of the minor. The petition shall be
23 verified by the affidavit of some credible person.

24 (b) Any petition form that a person may file as a petition
25 under this Article by filling in the blanks in the form with

1 his or her information shall contain the following: "WARNING: A
2 person who is required to register under the Sex Offender
3 Registration Act, Murderer and Violent Offender Against Youth
4 Registration Act, or Arsonist Registration Act in this State or
5 similar law in any other state who has not been pardoned
6 commits a felony offense under those respective Acts by seeking
7 to change his or her name during his or her registration
8 period."

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 where the petitioner
14 resides.

15 (b) The State's Attorney may file an objection if the
16 petitioner:

17 (1) is the defendant in a pending criminal offense
18 charge; or

19 (2) has been convicted of identity theft, aggravated
20 identity theft, felony or misdemeanor criminal sexual
21 abuse when the victim of the offense at the time of its
22 commission is under 18 years of age, felony or misdemeanor
23 sexual exploitation of a child, felony or misdemeanor
24 indecent solicitation of a child, or felony or misdemeanor
25 indecent solicitation of an adult, and has not been

1 pardoned for the conviction.

2 (c) All objections shall be in writing, shall be filed with
3 the circuit court clerk, and shall state with specificity the
4 basis of the objection. Objections to a petition must be filed
5 within 30 days of the date of service of the petition upon the
6 State's Attorney.

7 (735 ILCS 5/21-103) (from Ch. 110, par. 21-103)

8 Sec. 21-103. Notice by publication.

9 (a) Previous notice shall be given of the intended
10 application by publishing a notice thereof in some newspaper
11 published in the municipality in which the person resides if
12 the municipality is in a county with a population under
13 2,000,000, or if the person does not reside in a municipality
14 in a county with a population under 2,000,000, or if no
15 newspaper is published in the municipality or if the person
16 resides in a county with a population of 2,000,000 or more,
17 then in some newspaper published in the county where the person
18 resides, or if no newspaper is published in that county, then
19 in some convenient newspaper published in this State. The
20 notice shall be inserted for 3 consecutive weeks after filing,
21 the first insertion to be at least 6 weeks before the return
22 day upon which the petition is to be heard, and shall be signed
23 by the petitioner or, in case of a minor, the minor's parent or
24 guardian, and shall set forth the return day of court on which
25 the petition is to be heard and the name sought to be assumed.

1 (b) The publication requirement of subsection (a) shall not
2 be required in any application for a change of name involving a
3 minor if, before making judgment under this Article, reasonable
4 notice and opportunity to be heard is given to any parent whose
5 parental rights have not been previously terminated and to any
6 person who has physical custody of the child. If any of these
7 persons are outside this State, notice and opportunity to be
8 heard shall be given under Section 21-104.

9 (c) The Director of State Police or his or her designee may
10 apply to the circuit court for an order directing that the
11 notice and publication requirements of this Section be waived
12 if the Director or his or her designee certifies that the name
13 change being sought is intended to protect a witness during and
14 following a criminal investigation or proceeding. The court may
15 wave the publication requirement under subsection (a) and
16 order that the record of the proceeding be designated
17 confidential if the court finds good cause for entering such an
18 order. Good cause includes, but is not limited to, evidence
19 that publication or availability of a record of the proceeding
20 will place the petitioner or another individual in physical
21 danger and evidence that the petitioner or another individual
22 has been the victim of stalking or assaultive behavior.

23 (Source: P.A. 94-147, eff. 1-1-06.)

24 (735 ILCS 5/21-106 new)

25 Sec. 21-106. Sealing. The court may order that the records

1 of the clerk of the circuit court of a proceeding under this
2 Article be sealed until further order of the court upon good
3 cause shown. Good cause includes, but is not limited to,
4 evidence that availability of the records of the proceeding
5 will place the petitioner or another person in physical danger;
6 evidence that the petitioner or another person has been the
7 victim of stalking, domestic violence, or assaultive behavior;
8 or evidence of certification by the Department of State Police
9 under subsection (c) of Section 21-103 of this Article of the
10 name change to protect a witness during or following a criminal
11 investigation or proceeding."