



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2321

by Rep. Kelly M. Cassidy

SYNOPSIS AS INTRODUCED:

735 ILCS 5/21-101	from Ch. 110, par. 21-101
735 ILCS 5/21-103	from Ch. 110, par. 21-103
735 ILCS 5/21-103.3 new	

Amends the Code of Civil Procedure. In provisions concerning change of name, provides that a person interested in the matter shall make known any objection to the granting of the petition for change of name by filing a written objection stating the reasons for the objection with the court at least 2 court days before the matter is scheduled to be heard and by appearing in court at the hearing to show cause why the petition for change of name should not be granted. Provides that if no written objection is timely filed, the court may grant the petition. Deletes language restricting or prohibiting the filing of a petition for change of name by persons convicted of certain crimes. Provides instead that if the petitioner has been convicted of identity theft, aggravated identity theft, felony or misdemeanor criminal sexual abuse when the victim of the offense at the time of its commission is under 18 years of age, felony or misdemeanor sexual exploitation of a child, felony or misdemeanor indecent solicitation of a child, felony or misdemeanor indecent solicitation of an adult, or any other offense for which a person is required to register under the Sex Offender Registration Act in this State or any other state, and the petitioner has not been pardoned, the clerk shall notify the Illinois State Police so that they may have the opportunity to file a timely objection to the petition for change of name. Provides that the court may waive specified publication requirements and order that the record of the proceeding be designated confidential if the court finds good cause for entering such an order, including evidence that publication or availability of a record of the proceeding will place the petitioner or another individual in physical danger and evidence that the petitioner or another individual has been the victim of stalking or assaultive behavior.

LRB101 08649 LNS 53733 b

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 Code of Civil Procedure is amended by
5 changing Sections 21-101 and 21-103 and by adding Section
6 21-103.3 as 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) A person interested in the matter shall make known any
16 objection to the granting of the petition for change of name by
17 filing a written objection stating the reasons for the
18 objection with the court at least 2 court days before the
19 matter is scheduled to be heard and by appearing in court at
20 the hearing to show cause why the petition for change of name
21 should not be granted. If no written objection is timely filed,
22 the court may grant the petition ~~The filing of a petition in~~
23 ~~accordance with this Section shall be the sole and exclusive~~

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

18 (c) A petitioner may include his or her spouse and adult
19 unmarried children, with their consent, and his or her minor
20 children where it appears to the court that it is for their
21 best interest, in the petition and prayer, and the court's
22 order shall then include the spouse and children. Whenever any
23 minor has resided in the family of any person for the space of
24 3 years and has been recognized and known as an adopted child
25 in the family of that person, the application herein provided
26 for may be made by the person having that minor in his or her

1 family.

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

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

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

18 (3) The interaction and interrelationship of the child
19 with his or her parents or persons acting as parents who
20 have physical custody of the child, step-parents,
21 siblings, step-siblings, or any other person who may
22 significantly affect the child's best interest.

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

25 (d) If it appears to the court that the conditions and
26 requirements under this Article have been complied with and

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

17 (Source: P.A. 100-370, eff. 1-1-18.)

18 (735 ILCS 5/21-103) (from Ch. 110, par. 21-103)

19 Sec. 21-103. Notice by publication.

20 (a) Previous notice shall be given of the intended
21 application by publishing a notice thereof in some newspaper
22 published in the municipality in which the person resides if
23 the municipality is in a county with a population under
24 2,000,000, or if the person does not reside in a municipality
25 in a county with a population under 2,000,000, or if no

1 newspaper is published in the municipality or if the person
2 resides in a county with a population of 2,000,000 or more,
3 then in some newspaper published in the county where the person
4 resides, or if no newspaper is published in that county, then
5 in some convenient newspaper published in this State. The
6 notice shall be inserted for 3 consecutive weeks after filing,
7 the first insertion to be at least 6 weeks before the return
8 day upon which the petition is to be heard, and shall be signed
9 by the petitioner or, in case of a minor, the minor's parent or
10 guardian, and shall set forth the return day of court on which
11 the petition is to be heard and the name sought to be assumed.

12 (b) The publication requirement of subsection (a) shall not
13 be required in any application for a change of name involving a
14 minor if, before making judgment under this Article, reasonable
15 notice and opportunity to be heard is given to any parent whose
16 parental rights have not been previously terminated and to any
17 person who has physical custody of the child. If any of these
18 persons are outside this State, notice and opportunity to be
19 heard shall be given under Section 21-104.

20 (b-5) Upon motion, the court may issue an order directing
21 that the notice and publication requirement be waived for a
22 change of name involving a person who files with the court a
23 written declaration that the person believes that publishing
24 notice of the name change would put the person at risk of
25 physical harm or discrimination. The person must provide
26 evidence to support the claim that publishing notice of the

1 name change would put the person at risk of physical harm or
2 discrimination.

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

17 (c-1) The court may enter a written order waiving the
18 publication requirement of subsection (a) if:

19 (i) the petitioner is 18 years of age or older; and
20 (ii) concurrent with the petition, the petitioner
21 files with the court a statement, verified under oath as
22 provided under Section 1-109 of this Code, attesting that
23 the petitioner is or has been a person protected under the
24 Illinois Domestic Violence Act of 1986, the Stalking No
25 Contact Order Act, the Civil No Contact Order Act, Article
26 112A of the Code of Criminal Procedure of 1963, a condition

1 of bail under subsections (b) through (d) of Section 110-10
2 of the Code of Criminal Procedure of 1963, or a similar
3 provision of a law in another state or jurisdiction.

4 The petitioner may attach to the statement any supporting
5 documents, including relevant court orders.

6 (c-2) If the petitioner files a statement attesting that
7 disclosure of the petitioner's address would put the petitioner
8 or any member of the petitioner's family or household at risk
9 or reveal the confidential address of a shelter for domestic
10 violence victims, that address may be omitted from all
11 documents filed with the court, and the petitioner may
12 designate an alternative address for service.

13 (c-3) Court administrators may allow domestic abuse
14 advocates, rape crisis advocates, and victim advocates to
15 assist petitioners in the preparation of name changes under
16 subsection (c-1).

17 (c-4) If the publication requirements of subsection (a)
18 have been waived, the circuit court shall enter an order
19 impounding the case.

20 (d) The maximum rate charged for publication of a notice
21 under this Section may not exceed the lowest classified rate
22 paid by commercial users for comparable space in the newspaper
23 in which the notice appears and shall include all cash
24 discounts, multiple insertion discounts, and similar benefits
25 extended to the newspaper's regular customers.

26 (Source: P.A. 100-520, eff. 1-1-18 (see Section 5 of P.A.

1 100-565 for the effective date of P.A. 100-520); 100-788, eff.
2 1-1-19; 100-966, eff. 1-1-19; revised 10-4-18.)

3 (735 ILCS 5/21-103.3 new)

4 Sec. 21-103.3. Notice to the Illinois State Police. If the
5 petitioner has been convicted of identity theft, aggravated
6 identity theft, felony or misdemeanor criminal sexual abuse
7 when the victim of the offense at the time of its commission is
8 under 18 years of age, felony or misdemeanor sexual
9 exploitation of a child, felony or misdemeanor indecent
10 solicitation of a child, felony or misdemeanor indecent
11 solicitation of an adult, or any other offense for which a
12 person is required to register under the Sex Offender
13 Registration Act in this State or any other state, and the
14 petitioner has not been pardoned, the clerk shall notify the
15 Illinois State Police so that the Illinois State Police may
16 have the opportunity to file a timely objection to the petition
17 for change of name.