



Rep. Kelly M. Cassidy

Filed: 4/13/2021

10200HB2542ham001

LRB102 14888 KMF 25025 a

1 AMENDMENT TO HOUSE BILL 2542

2 AMENDMENT NO. _____. Amend House Bill 2542 on page 1,
3 line 7 after "school," by inserting "name,"; and

4 on page 9, line 22 after "school," by inserting "name"; and

5 on page 13, by replacing line 1 with the following:

6 "changing Sections 21-101, 21-102, 21-102.5, and 21-103 as
7 follows:"; and

8 on page 13, line 24 by deleting "and"; and

9 on page 14, line 10, after "completed", by inserting ",
10 terminated,"; and

11 on page 19, line 18, after "clerk," by inserting "shall be
12 served upon the petitioner,"; and

1 on page 20 by deleting line 7 through line 12; and

2 on page 20 by replacing line 14 through line 16 with the
3 following:

4 "(735 ILCS 5/21-103) (from Ch. 110, par. 21-103)

5 Sec. 21-103. Notice by publication.

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

24 (b) The publication requirement of subsection (a) shall

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

9 (b-3) The publication requirement of subsection (a) shall
10 not be required in any application for a change of name
11 involving a person who has received a judgment for dissolution
12 of marriage or declaration of invalidity of marriage and
13 wishes to change his or her name to resume the use of his or
14 her former or maiden name.

15 (b-5) The ~~Upon motion, the~~ court may issue an order
16 directing that the notice and publication requirement be
17 waived for a change of name involving a person who files with
18 the court a statement, verified under oath as provided under
19 Section 1-109 of this Code, ~~written declaration~~ that the
20 person believes that publishing notice of the name change
21 would be a hardship, including but not limited to, a negative
22 impact on the person's health or safety. ~~put the person at risk~~
23 ~~of physical harm or discrimination. The person must provide~~
24 ~~evidence to support the claim that publishing notice of the~~
25 ~~name change would put the person at risk of physical harm or~~
26 ~~discrimination.~~

1 (b-6) In a case where waiver of the notice and publication
2 requirement is sought, the petition for waiver is presumed
3 granted and heard at the same hearing as the petition for name
4 change. The court retains discretion to determine whether a
5 hardship is shown and may order the petitioner to publish
6 thereafter.

7 (c) The Director of State Police or his or her designee may
8 apply to the circuit court for an order directing that the
9 notice and publication requirements of this Section be waived
10 if the Director or his or her designee certifies that the name
11 change being sought is intended to protect a witness during
12 and following a criminal investigation or proceeding.

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

15 (i) the petitioner is 18 years of age or older; and

16 (ii) concurrent with the petition, the petitioner
17 files with the court a statement, verified under oath as
18 provided under Section 1-109 of this Code, attesting that
19 the petitioner is or has been a person protected under the
20 Illinois Domestic Violence Act of 1986, the Stalking No
21 Contact Order Act, the Civil No Contact Order Act, Article
22 112A of the Code of Criminal Procedure of 1963, a
23 condition of bail under subsections (b) through (d) of
24 Section 110-10 of the Code of Criminal Procedure of 1963,
25 or a similar provision of a law in another state or
26 jurisdiction.

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

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

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

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

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

23 (Source: P.A. 100-520, eff. 1-1-18 (see Section 5 of P.A.
24 100-565 for the effective date of P.A. 100-520); 100-788, eff.
25 1-1-19; 100-966, eff. 1-1-19; 101-81, eff. 7-12-19; 101-203,
26 eff. 1-1-20.)".