



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5652

Introduced 2/9/2024, by Rep. Anne Stava-Murray

SYNOPSIS AS INTRODUCED:

735 ILCS 5/21-103

Amends the Code of Civil Procedure. Allows the court to waive the publication requirements if a petitioner files with the court a verified statement attesting that the petitioner has a gender-related identity as defined in the Human Rights Act, that is not expressed on the petitioner's birth certificate or the petitioner's previous name identification does not express the petitioner's current gender identity. Requires the court to enter an order sealing and impounding the case if the publication requirements have been waived and the court file sealed and impounded for petitioners at risk for domestic violence and gender-identity. Provides that at the request of law enforcement for good cause shown, the court shall unseal and open the case for review by law enforcement only. Provides that the case may not be sealed or impounded if the petitioner has been convicted of a felony or sex offense that requires the petitioner to register as a sex offender.

LRB103 38624 JRC 68761 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 as follows:

6 (735 ILCS 5/21-103)

7 Sec. 21-103. Notice by publication.

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

1 of court on which the petition is to be heard and the name
2 sought to be assumed.

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

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

18 (b-5) The court may issue an order directing that the
19 notice and publication requirement be waived for a change of
20 name involving a person who files with the court a statement,
21 verified under oath as provided under Section 1-109 of this
22 Code, that the person believes that publishing notice of the
23 name change would be a hardship, including, l but not limited
24 to, a negative impact on the person's health or safety.

25 (b-6) In a case where waiver of the notice and publication
26 requirement is sought, the petition for waiver is presumed

1 granted and heard at the same hearing as the petition for name
2 change. The court retains discretion to determine whether a
3 hardship is shown and may order the petitioner to publish
4 thereafter.

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

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

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

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

25 (B) files with the court a statement, verified under
26 oath as provided under Section 1-109 of this Code,

1 attesting that the petitioner has a gender-related
2 identity, as defined in the Human Rights Act, that is not
3 expressed on the petitioner's birth certificate or the
4 petitioner's previous name identification does not express
5 the petitioner's current gender identity.

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

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

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

19 (c-4) If the publication requirements of subsection (a)
20 have been waived, the circuit court shall enter an order
21 sealing and impounding the case. At the request of law
22 enforcement for good cause shown, the court shall unseal and
23 open the case for review by law enforcement only. The case may
24 not be sealed or impounded if the petitioner has been
25 convicted of a felony or sex offense that requires the
26 petitioner to register as a sex offender.

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

7 (Source: P.A. 101-81, eff. 7-12-19; 101-203, eff. 1-1-20;
8 101-652, eff. 1-1-23; 102-538, eff. 8-20-21; 102-813, eff.
9 5-13-22; 102-1133, eff. 1-1-24; revised 12-15-23.)