



Sen. William E. Peterson

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09400HB4179sam001

LRB094 15041 LCT 57007 a

1 AMENDMENT TO HOUSE BILL 4179

2 AMENDMENT NO. _____. Amend House Bill 4179 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Civil Procedure is amended by
5 changing Section 21-101 as follows:

6 (735 ILCS 5/21-101) (from Ch. 110, par. 21-101)

7 Sec. 21-101. Proceedings; parties. If any person who is a
8 resident of this State and has resided in this State for 6
9 months desires to change his or her name and to assume another
10 name by which to be afterwards called and known, the person may
11 file a petition in the circuit court of the county wherein he
12 or she resides praying for that relief. If it appears to the
13 court that the conditions hereinafter mentioned have been
14 complied with and that there is no reason why the prayer should
15 not be granted, the court, by an order to be entered of record,
16 may direct and provide that the name of that person be changed
17 in accordance with the prayer in the petition. The filing of a
18 petition in accordance with this Section shall be the sole and
19 exclusive means by which any person committed under the laws of
20 this State to a penal institution may change his or her name
21 and assume another name. However, any person convicted of a
22 felony, ~~misdemeanor criminal sexual abuse when the victim of~~
23 ~~the offense at the time of its commission is under 18 years of~~
24 ~~age, misdemeanor sexual exploitation of a child, misdemeanor~~

1 ~~indecent solicitation of a child, or misdemeanor indecent~~
2 ~~solicitation of an adult~~ in this State or any other state who
3 has not been pardoned may not file a petition for a name change
4 until 10 years have passed since completion and discharge from
5 his or her sentence. A person who has been convicted of
6 identity theft, aggravated identity theft, felony or
7 misdemeanor criminal sexual abuse when the victim of the
8 offense at the time of its commission is under 18 years of age,
9 felony or misdemeanor sexual exploitation of a child, felony or
10 misdemeanor indecent solicitation of a child, or felony or
11 misdemeanor indecent solicitation of an adult, or any other
12 offense for which a person is required to register under the
13 Sex Offender Registration Act in this State or any other state
14 who has not been pardoned shall not be permitted to file a
15 petition for a name change in the courts of Illinois. ~~A person~~
16 ~~who is required to register as a sex offender under the Sex~~
17 ~~Offender Registration Act may not file a petition for a name~~
18 ~~change until the person is no longer under a duty to register~~
19 ~~under that Act.~~ A petitioner may include his or her spouse and
20 adult unmarried children, with their consent, and his or her
21 minor children where it appears to the court that it is for
22 their best interest, in the petition and prayer, and the
23 court's order shall then include the spouse and children.
24 Whenever any minor has resided in the family of any person for
25 the space of 3 years and has been recognized and known as an
26 adopted child in the family of that person, the application
27 herein provided for may be made by the person having that minor
28 in his or her family.

29 An order shall be entered as to a minor only if the court
30 finds by clear and convincing evidence that the change is
31 necessary to serve the best interest of the child. In
32 determining the best interest of a minor child under this
33 Section, the court shall consider all relevant factors,
34 including:

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

3 (2) The wishes of the child and the reasons for those
4 wishes. The court may interview the child in chambers to
5 ascertain the child's wishes with respect to the change of
6 name. Counsel shall be present at the interview unless
7 otherwise agreed upon by the parties. The court shall cause
8 a court reporter to be present who shall make a complete
9 record of the interview instantaneously to be part of the
10 record in the case.

11 (3) The interaction and interrelationship of the child
12 with his or her parents or persons acting as parents who
13 have physical custody of the child, step-parents,
14 siblings, step-siblings, or any other person who may
15 significantly affect the child's best interest.

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

18 (Source: P.A. 88-25; 89-192, eff. 1-1-96; 89-462, eff.
19 5-29-96.)".