

AN ACT concerning civil procedure.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Code of Civil Procedure is amended by changing Sections 21-101 and 21-102 and by adding Section 21-102.5 as follows:

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

Sec. 21-101. Proceedings; parties.

(a) If any person who is a resident of this State and has resided in this State for 6 months desires to change his or her name and to assume another name by which to be afterwards called and known, the person may file a petition in the circuit court of the county wherein he or she resides praying for that relief. ~~If it appears to the court that the conditions hereinafter mentioned have been complied with and that there is no reason why the prayer should not be granted, the court, by an order to be entered of record, may direct and provide that the name of that person be changed in accordance with the prayer in the petition.~~

(b) The filing of a petition in accordance with this Section shall be the sole and exclusive means by which any person committed under the laws of this State to a penal institution may change his or her name and assume another name.

However, any person convicted of a felony in this State or any other state who has not been pardoned may not file a petition for a name change until 10 years have passed since completion and discharge from his or her sentence. A person who 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, or 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 who has not been pardoned shall not be permitted to file a petition for a name change in the courts of Illinois.

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

An order shall be entered as to a minor only if the court finds by clear and convincing evidence that the change is

necessary to serve the best interest of the child. In determining the best interest of a minor child under this Section, the court shall consider all relevant factors, including:

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

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

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

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

(d) If it appears to the court that the conditions and requirements under this Article have been complied with and that there is no reason why the prayer should not be granted, the court, by an order to be entered of record, may direct and provide that the name of that person be changed in accordance

with the prayer in the petition. If the circuit court orders that a name change be granted to a person who has been adjudicated or convicted of a felony or misdemeanor offense under the laws of this State or any other state for which a pardon has not been granted, or has an arrest for which a charge has not been filed or a pending charge on a felony or misdemeanor offense, a copy of the order, including a copy of each applicable access and review response, shall be forwarded to the Department of State Police. The Department of State Police shall update any criminal history transcript or offender registration of each person 18 years of age or older in the order to include the change of name as well as his or her former name.

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

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

Sec. 21-102. Petition; update criminal history transcript.

(a) The petition shall set forth the name then held, the name sought to be assumed, the residence of the petitioner, the length of time the petitioner has resided in this State, and the state or country of the petitioner's nativity or supposed nativity. The petition shall include a statement, verified under oath as provided under Section 1-109 of this Code, whether or not the petitioner or any other person 18 years of age or older who will be subject to a change of name under the petition if granted: (1) has been adjudicated or convicted of a

felony or misdemeanor offense under the laws of this State or any other state for which a pardon has not been granted; or (2) has an arrest for which a charge has not been filed or a pending charge on a felony or misdemeanor offense. The petition shall be signed by the person petitioning or, in case of minors, by the parent or guardian having the legal custody of the minor. The petition shall be verified by the affidavit of some credible person.

(b) If the statement provided under subsection (a) of this Section indicates the petitioner or any other person 18 years of age or older who will be subject to a change of name under the petition, if granted, has been adjudicated or convicted of a felony or misdemeanor offense under the laws of this State or any other state for which a pardon has not been granted, or has an arrest for which a charge has not been filed or a pending charge on a felony or misdemeanor offense, the State's Attorney may request the court to or the court may on its own motion, require the person, prior to a hearing on the petition, to initiate an update of his or her criminal history transcript with the Department of State Police. The Department shall allow a person to use the Access and Review process, established by rule in the Department, for this purpose. Upon completion of the update of the criminal history transcript, the petitioner shall file confirmation of each update with the court, which shall seal the records from disclosure outside of court proceedings on the petition.

(Source: P.A. 87-409.)

(735 ILCS 5/21-102.5 new)

Sec. 21-102.5. Notice; objection.

(a) The circuit court clerk shall promptly serve a copy of the petition on the State's Attorney and the Department of State Police.

(b) The State's Attorney may file an objection to the petition. All objections shall be in writing, shall be filed with the circuit court clerk, and shall state with specificity the basis of the objection. Objections to a petition must be filed within 30 days of the date of service of the petition upon the State's Attorney.