



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB2723

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 5/21-103.5 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.

LRB100 08926 HEP 19069 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 21-103.5 as follows:

7 (735 ILCS 5/21-101) (from Ch. 110, par. 21-101)

8 Sec. 21-101. Proceedings; parties. If any person who is a  
9 resident of this State and has resided in this State for 6  
10 months desires to change his or her name and to assume another  
11 name by which to be afterwards called and known, the person may  
12 file a petition in the circuit court of the county wherein he  
13 or she resides praying for that relief. If it appears to the  
14 court that the conditions hereinafter mentioned have been  
15 complied with and that there is no reason why the prayer should  
16 not be granted, the court, by an order to be entered of record,  
17 may direct and provide that the name of that person be changed  
18 in accordance with the prayer in the petition. A person  
19 interested in the matter shall make known any objection to the  
20 granting of the petition for change of name by filing a written  
21 objection stating the reasons for the objection with the court  
22 at least 2 court days before the matter is scheduled to be  
23 heard and by appearing in court at the hearing to show cause

1 why the petition for change of name should not be granted. If  
2 no written objection is timely filed, the court may grant the  
3 petition. ~~The filing of a petition in accordance with this~~  
4 ~~Section shall be the sole and exclusive means by which any~~  
5 ~~person committed under the laws of this State to a penal~~  
6 ~~institution may change his or her name and assume another name.~~  
7 ~~However, any person convicted of a felony in this State or any~~  
8 ~~other state who has not been pardoned may not file a petition~~  
9 ~~for a name change until 10 years have passed since completion~~  
10 ~~and discharge from his or her sentence. A person who has been~~  
11 ~~convicted of identity theft, aggravated identity theft, felony~~  
12 ~~or misdemeanor criminal sexual abuse when the victim of the~~  
13 ~~offense at the time of its commission is under 18 years of age,~~  
14 ~~felony or misdemeanor sexual exploitation of a child, felony or~~  
15 ~~misdemeanor indecent solicitation of a child, or felony or~~  
16 ~~misdemeanor indecent solicitation of an adult, or any other~~  
17 ~~offense for which a person is required to register under the~~  
18 ~~Sex Offender Registration Act in this State or any other state~~  
19 ~~who has not been pardoned shall not be permitted to file a~~  
20 ~~petition for a name change in the courts of Illinois. A~~  
21 petitioner may include his or her spouse and adult unmarried  
22 children, with their consent, and his or her minor children  
23 where it appears to the court that it is for their best  
24 interest, in the petition and prayer, and the court's order  
25 shall then include the spouse and children. Whenever any minor  
26 has resided in the family of any person for the space of 3

1 years and has been recognized and known as an adopted child in  
2 the family of that person, the application herein provided for  
3 may be made by the person having that minor in his or her  
4 family.

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

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

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

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

26 (4) The child's adjustment to his or her home, school,

1 and community.

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

3 (735 ILCS 5/21-103) (from Ch. 110, par. 21-103)

4 Sec. 21-103. Notice by publication.

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

22 (b) The publication requirement of subsection (a) shall not  
23 be required in any application for a change of name involving a  
24 minor if, before making judgment under this Article, reasonable  
25 notice and opportunity to be heard is given to any parent whose

1 parental rights have not been previously terminated and to any  
2 person who has physical custody of the child. If any of these  
3 persons are outside this State, notice and opportunity to be  
4 heard shall be given under Section 21-104.

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

19 (Source: P.A. 94-147, eff. 1-1-06.)

20 (735 ILCS 5/21-103.5 new)

21 Sec. 21-103.5. Notice to the Illinois State Police. If the  
22 petitioner has been convicted of identity theft, aggravated  
23 identity theft, felony or misdemeanor criminal sexual abuse  
24 when the victim of the offense at the time of its commission is  
25 under 18 years of age, felony or misdemeanor sexual

1 exploitation of a child, felony or misdemeanor indecent  
2 solicitation of a child, felony or misdemeanor indecent  
3 solicitation of an adult, or any other offense for which a  
4 person is required to register under the Sex Offender  
5 Registration Act in this State or any other state, and the  
6 petitioner has not been pardoned, the clerk shall notify the  
7 Illinois State Police so that the Illinois State Police may  
8 have the opportunity to file a timely objection to the petition  
9 for change of name.