



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB2330

Introduced 1/24/2018, by Sen. Toi W. Hutchinson

SYNOPSIS AS INTRODUCED:

735 ILCS 5/21-103

from Ch. 110, par. 21-103

Amends the Code of Civil Procedure. Provides that the publication requirement in a petition for change of name shall be waived if: (i) the petitioner is 18 years of age or older; (ii) concurrent with the petition, the petitioner files with the court a statement, verified under oath, attesting that the petitioner is or has been a person protected under the Illinois Domestic Violence Act of 1986, the Stalking No Contact Order Act, the Civil No Contact Order Act, the stalking provisions of the Criminal Code of 2012, or a similar provision of a law in another state or jurisdiction; (iii) the petitioner attaches to the statement any supporting documents, including relevant court orders; and (iv) the circuit court, after reviewing the statement and supporting documents, enters an order waiving publication. Provides that, under certain circumstances, the petitioner's address may be omitted from court documents and the petitioner may designate an alternative address for service. Provides that court administrators may allow domestic abuse advocates to assist petitioners in the preparation of certain name change petitions. Provides that if publication requirements have been waived, the circuit court shall enter an order providing that any system operated by the judiciary that is designed to provide public case information electronically shall not make the petition publicly available.

LRB100 17753 HEP 32928 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 Section 21-103 as follows:

6 (735 ILCS 5/21-103) (from Ch. 110, par. 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 person
17 resides, or if no newspaper is published in that county, then
18 in some convenient newspaper published in this State. The
19 notice shall be inserted for 3 consecutive weeks after filing,
20 the first insertion to be at least 6 weeks before the return
21 day upon which the petition is to be heard, and shall be signed
22 by the petitioner or, in case of a minor, the minor's parent or
23 guardian, and shall set forth the return day of court on which

1 the petition is to be heard and the name sought to be assumed.

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

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

16 (c-1) The publication requirement of subsection (a) is not
17 required in an application for a change of name if:

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

19 (ii) concurrent with the petition, the petitioner
20 files with the court a statement, verified under oath as
21 provided under Section 1-109 of this Code, attesting that
22 the petitioner is or has been a person protected under the
23 Illinois Domestic Violence Act of 1986, the Stalking No
24 Contact Order Act, the Civil No Contact Order Act, Section
25 12-7.3 of the Criminal Code of 2012, or a similar provision
26 of a law in another state or jurisdiction;

1 (iii) the petitioner attaches to the statement any
2 supporting documents, including relevant court orders; and

3 (iv) the circuit court, after reviewing the statement
4 and supporting documents, enters an order waiving
5 publication.

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

13 (c-3) Court administrators may allow domestic abuse
14 advocates to assist petitioners in the preparation of name
15 changes under subsection (c-1).

16 (c-4) If the publication requirements of subsection (a) are
17 not required or have been waived, the circuit court shall enter
18 an order providing that any system operated by the judiciary
19 that is designed to provide public case information
20 electronically shall not make the petition publicly available.

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

1 (Source: P.A. 100-520, eff. 1-1-18 (see Section 5 of P.A.
2 100-565 for the effective date of P.A. 100-520).)