



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2537

by Rep. Anna Moeller

SYNOPSIS AS INTRODUCED:

735 ILCS 5/21-103 rep.
735 ILCS 5/21-103.5 new
750 ILCS 5/413

from Ch. 40, par. 413

Amends the Code of Civil Procedure. Repeals a Section concerning notice by publication requirements in a petition for change of name. Provides that in any application for a change of name involving a minor, before a judgment granting a change of name may be entered, actual notice and an opportunity to be heard shall be given to any parent whose parental rights have not been previously terminated and to any person who has been allocated parental responsibilities under the Illinois Marriage and Dissolution of Marriage Act. Provides that notice and an opportunity to be heard shall be given to persons outside this State as specified in other provisions of the Code. Amends the Illinois Marriage and Dissolution of Marriage Act. Provides that unless the person whose marriage is dissolved or declared invalid requests otherwise, the court order shall contain a provision authorizing the person to resume the use of his or her former or maiden name, should he or she choose to do so, at any time he or she chooses to do so (instead of "upon request by a wife whose marriage is dissolved or declared invalid, the court shall order her maiden name or a former name restored").

LRB100 04116 HEP 18019 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 (735 ILCS 5/21-103 rep.)

5 Section 5. The Code of Civil Procedure is amended by
6 repealing Section 21-103.

7 Section 10. The Code of Civil Procedure is amended by
8 adding Section 21-103.5 as follows:

9 (735 ILCS 5/21-103.5 new)

10 Sec. 21-103.5. Change of name involving a minor. In any
11 application for a change of name involving a minor, before a
12 judgment under this Article may be entered, actual notice and
13 an opportunity to be heard shall be given to any parent whose
14 parental rights have not been previously terminated and to any
15 person who has been allocated parental responsibilities under
16 Section 602.5 or 602.7 of the Illinois Marriage and Dissolution
17 of Marriage Act. If any of these persons is outside this State,
18 notice and an opportunity to be heard shall be given under
19 Section 21-104.

20 Section 15. The Illinois Marriage and Dissolution of
21 Marriage Act is amended by changing Section 413 as follows:

1 (750 ILCS 5/413) (from Ch. 40, par. 413)

2 Sec. 413. Judgment.

3 (a) A judgment of dissolution of marriage or of legal
4 separation or of declaration of invalidity of marriage shall be
5 entered within 60 days of the closing of proofs; however, if
6 the court enters an order specifying good cause as to why the
7 court needs an additional 30 days, the judgment shall be
8 entered within 90 days of the closing of proofs, including any
9 hearing under subsection (j) of Section 503 of this Act and
10 submission of closing arguments. A judgment of dissolution of
11 marriage or of legal separation or of declaration of invalidity
12 of marriage is final when entered, subject to the right of
13 appeal. An appeal from the judgment of dissolution of marriage
14 that does not challenge the finding as to grounds does not
15 delay the finality of that provision of the judgment which
16 dissolves the marriage, beyond the time for appealing from that
17 provision, and either of the parties may remarry pending
18 appeal. An order requiring maintenance or support of a spouse
19 or a minor child or children entered under this Act or any
20 other law of this State shall not be suspended or the
21 enforcement thereof stayed pending the filing and resolution of
22 post-judgment motions or an appeal.

23 (b) The clerk of the court shall give notice of the entry
24 of a judgment of dissolution of marriage or legal separation or
25 a declaration of invalidity of marriage:

1 (1) if the marriage is registered in this State, to the
2 county clerk of the county where the marriage is
3 registered, who shall enter the fact of dissolution of
4 marriage or legal separation or declaration of invalidity
5 of marriage in the marriage registry; and within 45 days
6 after the close of the month in which the judgment is
7 entered, the clerk shall forward the certificate to the
8 Department of Public Health on a form furnished by the
9 Department; or

10 (2) if the marriage is registered in another
11 jurisdiction, to the appropriate official of that
12 jurisdiction, with the request that he enter the fact of
13 dissolution of marriage or legal separation or declaration
14 of invalidity of marriage in the appropriate record.

15 (c) Unless the person whose marriage is dissolved or
16 declared invalid requests otherwise, the judgment under this
17 Section shall contain a provision authorizing the person to
18 resume the use of his or her former or maiden name, should he
19 or she choose to do so, at any time he or she chooses to do so.
20 ~~Upon request by a wife whose marriage is dissolved or declared~~
21 ~~invalid, the court shall order her maiden name or a former name~~
22 ~~restored.~~

23 (d) A judgment of dissolution of marriage or legal
24 separation, if made, shall be awarded to both of the parties,
25 and shall provide that it affects the status previously
26 existing between the parties in the manner adjudged.

HB2537

- 4 -

LRB100 04116 HEP 18019 b

1 (Source: P.A. 99-90, eff. 1-1-16.)