

1 AN ACT concerning civil procedure.

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 21-102 and by adding Section
6 21-102.5 as follows:

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

8 Sec. 21-101. Proceedings; parties.

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

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

1 However, any person convicted of a felony in this State or any
2 other state who has not been pardoned may not file a petition
3 for a name change until 10 years have passed since completion
4 and discharge from his or her sentence. A person who has been
5 convicted of identity theft, aggravated identity theft, felony
6 or misdemeanor criminal sexual abuse when the victim of the
7 offense at the time of its commission is under 18 years of age,
8 felony or misdemeanor sexual exploitation of a child, felony or
9 misdemeanor indecent solicitation of a child, or felony or
10 misdemeanor indecent solicitation of an adult, or any other
11 offense for which a person is required to register under the
12 Sex Offender Registration Act in this State or any other state
13 who has not been pardoned shall not be permitted to file a
14 petition for a name change in the courts of Illinois.

15 (c) A petitioner may include his or her spouse and adult
16 unmarried children, with their consent, and his or her minor
17 children where it appears to the court that it is for their
18 best interest, in the petition and prayer, and the court's
19 order shall then include the spouse and children. Whenever any
20 minor has resided in the family of any person for the space of
21 3 years and has been recognized and known as an adopted child
22 in the family of that person, the application herein provided
23 for may be made by the person having that minor in his or her
24 family.

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

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

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

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

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

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

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

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

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

15 (735 ILCS 5/21-102) (from Ch. 110, par. 21-102)

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

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

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

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

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

2 (735 ILCS 5/21-102.5 new)

3 Sec. 21-102.5. Notice; objection.

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

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