

# HB4444



## 102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

**HB4444**

Introduced 1/21/2022, by Rep. Daniel Didech

### SYNOPSIS AS INTRODUCED:

735 ILCS 5/21-103

Amends the Change of Name Article of the Code of Civil Procedure. Provides that the requirement to publish a notice in the newspaper of a change of name for 3 consecutive weeks after filing is not required for any person who applies for a change of name to change the person's name to conform with the person's gender identity.

LRB102 23426 LNS 32595 b

A BILL FOR

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)

7 (Text of Section before amendment by P.A. 101-652)

8 Sec. 21-103. Notice by publication.

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

1 minor's parent or guardian, and shall set forth the return day  
2 of court on which the petition is to be heard and the name  
3 sought to be assumed.

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

13 (b-3) The publication requirement of subsection (a) shall  
14 not be required in any application for a change of name  
15 involving a person who has received a judgment for dissolution  
16 of marriage or declaration of invalidity of marriage and  
17 wishes to change his or her name to resume the use of his or  
18 her former or maiden name.

19 (b-4) The publication requirement of subsection (a) shall  
20 not be required in any application for a change of name  
21 involving a person who wishes to change the person's name to  
22 conform with the person's gender identity.

23 (b-5) Upon motion, the court may issue an order directing  
24 that the notice and publication requirement be waived for a  
25 change of name involving a person who files with the court a  
26 written declaration that the person believes that publishing

1 notice of the name change would put the person at risk of  
2 physical harm or discrimination. The person must provide  
3 evidence to support the claim that publishing notice of the  
4 name change would put the person at risk of physical harm or  
5 discrimination.

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

12 (c-1) The court may enter a written order waiving the  
13 publication requirement of subsection (a) if:

14 (i) the petitioner is 18 years of age or older; and  
15 (ii) concurrent with the petition, the petitioner  
16 files with the court a statement, verified under oath as  
17 provided under Section 1-109 of this Code, attesting that  
18 the petitioner is or has been a person protected under the  
19 Illinois Domestic Violence Act of 1986, the Stalking No  
20 Contact Order Act, the Civil No Contact Order Act, Article  
21 112A of the Code of Criminal Procedure of 1963, a  
22 condition of bail under subsections (b) through (d) of  
23 Section 110-10 of the Code of Criminal Procedure of 1963,  
24 or a similar provision of a law in another state or  
25 jurisdiction.

26 The petitioner may attach to the statement any supporting

1 documents, including relevant court orders.

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

9 (c-3) Court administrators may allow domestic abuse  
10 advocates, rape crisis advocates, and victim advocates to  
11 assist petitioners in the preparation of name changes under  
12 subsection (c-1).

13 (c-4) If the publication requirements of subsection (a)  
14 have been waived, the circuit court shall enter an order  
15 impounding the case.

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

22 (Source: P.A. 101-81, eff. 7-12-19; 101-203, eff. 1-1-20;  
23 102-538, eff. 8-20-21.)

24 (Text of Section after amendment by P.A. 101-652)

25 Sec. 21-103. Notice by publication.

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2 application by publishing a notice thereof in some newspaper  
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16 minor's parent or guardian, and shall set forth the return day  
17 of court on which the petition is to be heard and the name  
18 sought to be assumed.

19           (b) The publication requirement of subsection (a) shall  
20 not be required in any application for a change of name  
21 involving a minor if, before making judgment under this  
22 Article, reasonable notice and opportunity to be heard is  
23 given to any parent whose parental rights have not been  
24 previously terminated and to any person who has physical  
25 custody of the child. If any of these persons are outside this  
26 State, notice and opportunity to be heard shall be given under

1 Section 21-104.

2 (b-3) The publication requirement of subsection (a) shall  
3 not be required in any application for a change of name  
4 involving a person who has received a judgment for dissolution  
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21 (c) The Director of the Illinois State Police or his or her  
22 designee may apply to the circuit court for an order directing  
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25 the name change being sought is intended to protect a witness  
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11 condition of pretrial release under subsections (b)  
12 through (d) of Section 110-10 of the Code of Criminal  
13 Procedure of 1963, or a similar provision of a law in  
14 another state or jurisdiction.

15 The petitioner may attach to the statement any supporting  
16 documents, including relevant court orders.

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11 (Source: P.A. 101-81, eff. 7-12-19; 101-203, eff. 1-1-20;  
12 101-652, eff. 1-1-23; 102-538, eff. 8-20-21; revised  
13 10-12-21.)

14 Section 95. No acceleration or delay. Where this Act makes  
15 changes in a statute that is represented in this Act by text  
16 that is not yet or no longer in effect (for example, a Section  
17 represented by multiple versions), the use of that text does  
18 not accelerate or delay the taking effect of (i) the changes  
19 made by this Act or (ii) provisions derived from any other  
20 Public Act.