



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB5352

Introduced 2/15/2012, by Rep. Rich Brauer

#### SYNOPSIS AS INTRODUCED:

735 ILCS 5/21-101  
735 ILCS 5/21-102

from Ch. 110, par. 21-101  
from Ch. 110, par. 21-102

Amends the Code of Civil Procedure. In provisions concerning the procedure and petition used by a person to change his or her name, adds the requirement that the person be a United States citizen.

LRB097 13861 AJO 58426 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 21-102 as follows:

6 (735 ILCS 5/21-101) (from Ch. 110, par. 21-101)

7 Sec. 21-101. Proceedings; parties. If any person who is a  
8 resident of this State, ~~and~~ has resided in this State for 6  
9 months, and is a United States citizen desires to change his or  
10 her name and to assume another name by which to be afterwards  
11 called and known, the person may file a petition in the circuit  
12 court of the county wherein he or she resides praying for that  
13 relief. If it appears to the court that the conditions  
14 hereinafter mentioned have been complied with and that there is  
15 no reason why the prayer should not be granted, the court, by  
16 an order to be entered of record, may direct and provide that  
17 the name of that person be changed in accordance with the  
18 prayer in the petition. The filing of a petition in accordance  
19 with this Section shall be the sole and exclusive means by  
20 which any person committed under the laws of this State to a  
21 penal institution may change his or her name and assume another  
22 name. However, any person convicted of a felony in this State  
23 or any other state who has not been pardoned may not file a

1 petition for a name change until 10 years have passed since  
2 completion and discharge from his or her sentence. A person who  
3 has been convicted of identity theft, aggravated identity  
4 theft, felony or misdemeanor criminal sexual abuse when the  
5 victim of the offense at the time of its commission is under 18  
6 years of age, felony or misdemeanor sexual exploitation of a  
7 child, felony or misdemeanor indecent solicitation of a child,  
8 or felony or misdemeanor indecent solicitation of an adult, or  
9 any other offense for which a person is required to register  
10 under the Sex Offender Registration Act in this State or any  
11 other state who has not been pardoned shall not be permitted to  
12 file a petition for a name change in the courts of Illinois. A  
13 petitioner may include his or her spouse and adult unmarried  
14 children, with their consent, and his or her minor children  
15 where it appears to the court that it is for their best  
16 interest, in the petition and prayer, and the court's order  
17 shall then include the spouse and children. Whenever any minor  
18 has resided in the family of any person for the space of 3  
19 years and has been recognized and known as an adopted child in  
20 the family of that person, the application herein provided for  
21 may be made by the person having that minor in his or her  
22 family.

23 An order shall be entered as to a minor only if the court  
24 finds by clear and convincing evidence that the change is  
25 necessary to serve the best interest of the child. In  
26 determining the best interest of a minor child under this

1 Section, the court shall consider all relevant factors,  
2 including:

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

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

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

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

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

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

22 Sec. 21-102. Petition. The petition shall set forth the  
23 name then held, the name sought to be assumed, the residence of  
24 the petitioner, the length of time the petitioner has resided  
25 in this State, ~~and~~ the state or country of the petitioner's

1 nativity or supposed nativity, and that the petitioner is a  
2 United States citizen. The petition shall be signed by the  
3 person petitioning or, in case of minors, by the parent or  
4 guardian having the legal custody of the minor. The petition  
5 shall be verified by the affidavit of some credible person.

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