



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3566

Introduced 2/18/2025, by Rep. Dagmara Avelar

SYNOPSIS AS INTRODUCED:

735 ILCS 5/9-106
735 ILCS 5/9-121

from Ch. 110, par. 9-106

Amends the Eviction Article of the Code of Civil Procedure. Requires dismissal of a complaint in its entirety against all defendants if the complaint names a defendant who is a minor at the time of filing or was a minor at the time that the lease agreement at issue was entered. Provides that such an action shall be immediately sealed. Provides that, in addition to any other remedies available to the minor, a minor named as a defendant in violation of the Act is entitled to reasonable attorney's fees, actual damages, and liquidated damages in the amount of \$1,000. Provides that nothing in the Act prohibits a party from refiling an action against any defendants who otherwise may be properly named. Provides that, upon dismissing the case, the court may not waive any fees associated with refiling the action against defendants otherwise properly named.

LRB104 10092 JRC 20164 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 9-106 and 9-121 as follows:

6 (735 ILCS 5/9-106) (from Ch. 110, par. 9-106)

7 Sec. 9-106. Pleadings and evidence.

8 (a) On complaint by the party or parties entitled to the
9 possession of such premises being filed in the circuit court
10 for the county where such premises are situated, stating that
11 such party is entitled to the possession of such premises
12 (describing the same with reasonable certainty), and that the
13 defendant (naming the defendant) unlawfully withholds the
14 possession thereof from him, her or them, the clerk of the
15 court shall issue a summons.

16 (b) A complaint may not name a minor as a defendant. As
17 used in this Section, "minor" means a person under the age of
18 18, unless that person has been ordered emancipated under the
19 Emancipation of Minors Act and has the rights and
20 responsibilities of a mature minor under of the Emancipation
21 of Minors Act.

22 (c) A complaint that names a defendant who is a minor at
23 the time of filing or was a minor at the time that the lease

1 agreement at issue was entered into shall be dismissed in its
2 entirety against all defendants. Any action dismissed under
3 this Section shall be immediately sealed under Section 9-121.

4 (d) In addition to any other remedies available to the
5 minor, a minor named as a defendant in violation of this
6 Section is entitled to reasonable attorney's fees, actual
7 damages, and liquidated damages in the amount of \$1,000.

8 (e) Nothing in this Section prohibits a party from
9 refiling an action against any defendants who otherwise may be
10 properly named. Upon dismissing the case under this Section,
11 the court may not waive any fees associated with refiling the
12 action against defendants that are otherwise properly named.

13 (f) The defendant may under a general denial of the
14 allegations of the complaint offer in evidence any matter in
15 defense of the action. Except as otherwise provided in Section
16 9-120, no matters not germane to the distinctive purpose of
17 the proceeding shall be introduced by joinder, counterclaim or
18 otherwise. However, a claim for rent may be joined in the
19 complaint, and judgment may be entered for the amount of rent
20 found due.

21 (Source: P.A. 90-360, eff. 1-1-98.)

22 (735 ILCS 5/9-121)

23 Sec. 9-121. Sealing of court file.

24 (a) Definition. As used in this Section, "court file"
25 means the court file created when an eviction action is filed

1 with the court.

2 (b) Discretionary sealing of court file. The court may
3 order that a court file in an eviction action be placed under
4 seal if the court finds that the plaintiff's action is
5 sufficiently without a basis in fact or law, which may include
6 a lack of jurisdiction, that placing the court file under seal
7 is clearly in the interests of justice, and that those
8 interests are not outweighed by the public's interest in
9 knowing about the record.

10 (c) Mandatory sealing of court file. The court file
11 relating to an eviction action brought against a tenant under
12 Section 9-207.5 of this Code or as set forth in subdivision
13 (h)(6) of Section 15-1701 of this Code or that has been
14 dismissed under Section 9-106 of this Code shall be placed
15 under seal.

16 (d) This Section is operative on and after August 1, 2022.
17 (Source: P.A. 102-5, eff. 5-17-21.)