

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, 21-102, and 21-102.5 as follows:

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

7 Sec. 21-101. Proceedings; parties.

8 (a) If any person who is a resident of this State desires
9 to assume another name by which to be afterwards called and
10 known, the person may file a petition requesting that relief
11 in the circuit court of the county wherein the petitioner ~~he or~~
12 ~~she~~ resides. The petitioner shall have resided in this State
13 for 3 months at the time of the name change hearing or entry of
14 an order granting the name change.

15 (b) A person who has been convicted of any offense for
16 which a person is required to register under the Sex Offender
17 Registration Act, the Murderer and Violent Offender Against
18 Youth Registration Act, or the Arsonist Registry Act in this
19 State or any other state and who has not been pardoned is not
20 permitted to file a petition for a name change in the courts of
21 this State during the period that the person is required to
22 register, unless that person verifies under oath, as provided
23 under Section 1-109, that the petition for the name change is

1 due to marriage, religious beliefs, status as a victim of
2 trafficking or gender-related identity as defined by the
3 Illinois Human Rights Act. A judge may grant or deny the
4 request for legal name change filed by such persons upon
5 making a determination based on the following factors: the
6 health and safety of the individual making the request, the
7 potential harms to the individual making the request if the
8 name change is denied, and any specific and detailed facts
9 demonstrating that the risk to an individual or group would
10 outweigh the harm to the individual making the request for the
11 name change. Any denial of a name change to someone under this
12 subsection who is making the request based on marriage,
13 religious beliefs, status as a victim of trafficking or
14 gender-related identity shall be in writing demonstrating the
15 reasons for the denial. Any such persons granted a legal name
16 change shall report the change to the law enforcement agency
17 having jurisdiction of their current registration pursuant to
18 the Duty to Report requirements specified in Section 20 of the
19 Murderer and Violent Offender Against Youth Registration Act
20 and Section 6 of the Sex Offender Registration Act. For the
21 purposes of this subsection, a person will not face a felony
22 charge if the person's request for legal name change is denied
23 without proof of perjury.

24 (b-1) A person who has been convicted as an adult of a
25 felony offense in this State or any other state and whose
26 sentence has not been completed, terminated, or discharged is

1 not permitted to file a petition for a name change in the
2 courts of this State unless that person is pardoned for the
3 offense.

4 (c) A petitioner may include the petitioner's spouse and
5 adult unmarried children, with their consent, and the
6 petitioner's minor children where it appears to the court that
7 it is for their best interest, in the petition and relief
8 requested, and the court's order shall then include the spouse
9 and children. Whenever any minor has resided in the family of
10 any person for the space of 3 years and has been recognized and
11 known as an adopted child in the family of that person, the
12 application herein provided for may be made by the person
13 having that minor in that person's family.

14 An order shall be entered as to a minor only if the court
15 finds by clear and convincing evidence that the change is
16 necessary to serve the best interest of the child. In
17 determining the best interest of a minor child under this
18 Section, the court shall consider all relevant factors,
19 including:

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

22 (2) The wishes of the child and the reasons for those
23 wishes. The court may interview the child in chambers to
24 ascertain the child's wishes with respect to the change of
25 name. Counsel shall be present at the interview unless
26 otherwise agreed upon by the parties. The court shall

1 cause a court reporter to be present who shall make a
2 complete record of the interview instantaneously to be
3 part of the record in the case.

4 (3) The interaction and interrelationship of the child
5 with the child's parents or persons acting as parents who
6 have physical custody of the child, step-parents,
7 siblings, step-siblings, or any other person who may
8 significantly affect the child's best interest.

9 (4) The child's adjustment to the child's home,
10 school, and community.

11 (d) If it appears to the court that the conditions and
12 requirements under this Article have been complied with and
13 that there is no reason why the relief requested should not be
14 granted, the court, by an order to be entered of record, may
15 direct and provide that the name of that person be changed in
16 accordance with the relief requested in the petition. If the
17 circuit court orders that a name change be granted to a person
18 who has been ~~adjudicated or~~ convicted of a felony or
19 misdemeanor offense under the laws of this State or any other
20 state for which the conviction has not been pardoned or
21 sealed, a pardon has not been granted, or has an arrest for
22 which a charge has not been filed or a pending charge on a
23 felony or misdemeanor offense, a copy of the order, including
24 a copy of each applicable access and review response, shall be
25 forwarded to the Illinois State Police. The Illinois State
26 Police shall update any Illinois criminal history transcript

1 or Illinois offender registration of each person 18 years of
2 age or older in the order to include the change of name as well
3 as the petitioner's ~~his or her~~ former name.

4 (Source: P.A. 102-538, eff. 8-20-21; 102-1133, eff. 1-1-24;
5 103-605, eff. 7-1-24; 103-609, eff. 7-1-24; 103-1063, eff.
6 3-1-25.)

7 (735 ILCS 5/21-102) (from Ch. 110, par. 21-102)

8 Sec. 21-102. Petition; order. ~~update criminal history~~
9 ~~transcript.~~

10 (a) The petition shall be a statewide standardized form
11 approved by the Illinois Supreme Court and shall set forth the
12 name then held, the name sought to be assumed, the residence of
13 the petitioner, the length of time the petitioner has resided
14 in this State, and the state or country of the petitioner's
15 nativity or supposed nativity. The petition shall include a
16 statement, verified under oath as provided under Section 1-109
17 of this Code, whether or not the petitioner or any other person
18 18 years of age or older who will be subject to a change of
19 name under the petition if granted: (1) has been adjudicated
20 or convicted as an adult of a felony or misdemeanor offense
21 under the laws of this State or any other state for which the
22 conviction has not been pardoned, expunged, or sealed ~~a pardon~~
23 ~~has not been granted;~~ ~~or~~ (2) has an arrest as an adult for
24 which a charge has not been filed or a pending adult charge on
25 a felony or misdemeanor offense; or (3) is a juvenile with a

1 current felony or misdemeanor adjudication or conviction that
2 has not been sealed or expunged, and for which a pardon has not
3 been granted, a pending charge on a felony or misdemeanor, or
4 has an arrest for which a charge has not been filed. The
5 petition shall be signed by the person petitioning or, in case
6 of minors, by the parent or guardian having the legal custody
7 of the minor.

8 (a-1) Adults with sealed juvenile convictions or
9 adjudications are not required to disclose the sealed
10 convictions or adjudications on the name change petition, and
11 such convictions and adjudications shall not be considered in
12 the proceedings.

13 (b) If the statement provided under subsection (a) of this
14 Section indicates the petitioner or any other person 18 years
15 of age or older who will be subject to a change of name under
16 the petition, if granted, has been adjudicated or convicted of
17 a felony or misdemeanor offense under the laws of this State
18 and has not received a pardon or had such adjudication or
19 conviction expunged, or is required to register under the Sex
20 Offender Registration Act, the Murderer and Violent Offender
21 Against Youth Registration Act, or the Arsonist Registry Act
22 in this State or a similar law in any other state and ~~for which~~
23 ~~a pardon~~ has not been pardoned granted, or has an arrest for
24 which a charge has not been filed in this State, or has ~~or~~ a
25 pending charge on a felony or misdemeanor offense in this
26 State, the State's Attorney may request the court to or the

1 court may on its own motion, require the person, prior to a
2 hearing on the petition, to initiate an update of his or her
3 criminal history transcript with the Illinois State Police.
4 The Illinois State Police shall allow a person to use the
5 Access and Review process, established by rule by ~~in~~ the
6 Illinois State Police, for this purpose. Upon completion of
7 the update of the criminal history transcript, the petitioner
8 shall file confirmation of each update with the court, which
9 shall seal the records from disclosure outside of court
10 proceedings on the petition.

11 (b-1) The order for change of name shall recite the place
12 and date of birth of the petitioner. The place of birth shall
13 include the city, state, and country of birth.

14 (c) Any petition filed under subsection (a) shall include
15 the following: "WARNING: If you are required to register under
16 the Sex Offender Registration Act, the Murderer and Violent
17 Offender Against Youth Registration Act, or the Arsonist
18 Registry Act in this State or a similar law in any other state
19 and have not been pardoned, even if the conviction or
20 adjudication requiring registration has been sealed, you will
21 be committing a felony under those respective Acts by seeking
22 a change of name during the registration period UNLESS your
23 request for legal name change is due to marriage, religious
24 beliefs, status as a victim of trafficking or gender related
25 identity as defined by the Illinois Human Rights Act.".

26 (Source: P.A. 102-538, eff. 8-20-21; 102-1133, eff. 1-1-24;

1 103-605, eff. 7-1-24; 103-609, eff. 7-1-24.)

2 (735 ILCS 5/21-102.5)

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 Illinois State
6 Police if the statement provided under subsection (a) of
7 Section 21-102 indicates that the petitioner, or any other
8 person 18 years of age or older who will be subject to a change
9 of name under the petition, has been ~~adjudicated or~~ convicted
10 as an adult of a felony or misdemeanor offense under the laws
11 of this State or any other state for which the conviction has
12 not been pardoned, expunged, or sealed; a pardon has not been
13 granted, or has an arrest as an adult for which a charge has
14 not been filed or a pending adult charge on a felony or
15 misdemeanor offense; or is a juvenile with a current felony or
16 misdemeanor conviction or adjudication that has not been
17 sealed or expunged for which a pardon has not been granted, has
18 a pending charge on a felony or misdemeanor offense, or has an
19 arrest for which a charge has not been filed. Notice of a name
20 change shall not be given to the Illinois State Police and
21 State's Attorney for an adult with a sealed, expunged, or
22 pardoned juvenile conviction or adjudication.

23 (b) The State's Attorney may file an objection to the
24 petition within 30 days of the date of service of the petition
25 upon the State's Attorney if the petitioner has a pending case

1 for a Class 2 felony or greater offense or has been convicted
2 of identity theft, aggravated identity theft, felony or
3 misdemeanor criminal sexual abuse if the victim of the offense
4 at the time of its commission is under 18 years of age, felony
5 or misdemeanor sexual exploitation of a child, felony or
6 misdemeanor indecent solicitation of a child, or felony or
7 misdemeanor indecent solicitation of an adult and has not been
8 pardoned for the conviction or has a pending case for any of
9 these enumerated charges or any pending charge that would
10 require compliance, if convicted, with the Sex Offender
11 Registration Act, the Murderer and Violent Offender Against
12 Youth Registration Act, or the Arsonist Registry Act. All
13 objections shall be in writing, shall be filed with the
14 circuit court clerk, shall be served upon the petitioner, and
15 shall state with specificity the basis of the objection,
16 including, but not limited to, any specific and detailed facts
17 demonstrating that any potential risk to another individual or
18 group would outweigh any potential harm or negative impact to
19 the individual making the request for the name change.
20 ~~Objections to a petition must be filed within 30 days of the~~
21 ~~date of service of the petition upon the State's Attorney if~~
22 ~~the petitioner:~~

23 ~~(1) is the defendant in a pending criminal offense~~
24 ~~charge; or~~

25 ~~(2) has been convicted of identity theft, aggravated~~
26 ~~identity theft, felony or misdemeanor criminal sexual~~

1 ~~abuse when the victim of the offense at the time of its~~
2 ~~commission is under 18 years of age, felony or misdemeanor~~
3 ~~sexual exploitation of a child, felony or misdemeanor~~
4 ~~indecent solicitation of a child, or felony or misdemeanor~~
5 ~~indecent solicitation of an adult, and has not been~~
6 ~~pardoned for the conviction.~~

7 (Source: P.A. 102-538, eff. 8-20-21; 102-1133, eff. 1-1-24;
8 103-605, eff. 7-1-24.)