



Rep. Kelly M. Cassidy

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10400HB4075ham001

LRB104 13668 JRC 36829 a

1 AMENDMENT TO HOUSE BILL 4075

2 AMENDMENT NO. _____. Amend House Bill 4075 by replacing
3 everything after the enacting clause with the following:

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

1 Registration Act, the Murderer and Violent Offender Against
2 Youth Registration Act, or the Arsonist Registry Act in this
3 State or any other state and who has not been pardoned is not
4 permitted to file a petition for a name change in the courts of
5 this State during the period that the person is required to
6 register, unless that person verifies under oath, as provided
7 under Section 1-109, that the petition for the name change is
8 due to marriage, religious beliefs, status as a victim of
9 trafficking or gender-related identity as defined by the
10 Illinois Human Rights Act. A judge may grant or deny the
11 request for legal name change filed by such persons upon
12 making a determination based on the following factors: the
13 health and safety of the individual making the request, the
14 potential harms to the individual making the request if the
15 name change is denied, and any specific and detailed facts
16 demonstrating that the risk to an individual or group would
17 outweigh the harm to the individual making the request for the
18 name change. Any denial of a name change to someone under this
19 subsection who is making the request based on marriage,
20 religious beliefs, status as a victim of trafficking or
21 gender-related identity shall be in writing demonstrating the
22 reasons for the denial. Any such persons granted a legal name
23 change shall report the change to the law enforcement agency
24 having jurisdiction of their current registration pursuant to
25 the Duty to Report requirements specified in Section 20 of the
26 Murderer and Violent Offender Against Youth Registration Act

1 and Section 6 of the Sex Offender Registration Act. For the
2 purposes of this subsection, a person will not face a felony
3 charge if the person's request for legal name change is denied
4 without proof of perjury.

5 (b-1) A person who has been convicted as an adult of a
6 felony offense in this State or any other state and whose
7 sentence has not been completed, terminated, or discharged is
8 not permitted to file a petition for a name change in the
9 courts of this State unless that person is pardoned for the
10 offense.

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

21 An order shall be entered as to a minor only if the court
22 finds by clear and convincing evidence that the change is
23 necessary to serve the best interest of the child. In
24 determining the best interest of a minor child under this
25 Section, the court shall consider all relevant factors,
26 including:

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

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

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

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

18 (d) If it appears to the court that the conditions and
19 requirements under this Article have been complied with and
20 that there is no reason why the relief requested should not be
21 granted, the court, by an order to be entered of record, may
22 direct and provide that the name of that person be changed in
23 accordance with the relief requested in the petition. If the
24 circuit court orders that a name change be granted to a person
25 who has been ~~adjudicated~~ or convicted of a felony or
26 misdemeanor offense under the laws of this State or any other

1 state for which the conviction has not been pardoned or
2 sealed, a pardon has not been granted, or has an arrest for
3 which a charge has not been filed or a pending charge on a
4 felony or misdemeanor offense, a copy of the order, including
5 a copy of each applicable access and review response, shall be
6 forwarded to the Illinois State Police. The Illinois State
7 Police shall update any Illinois criminal history transcript
8 or Illinois offender registration of each person 18 years of
9 age or older in the order to include the change of name as well
10 as the petitioner's ~~his or her~~ former name.

11 (Source: P.A. 102-538, eff. 8-20-21; 102-1133, eff. 1-1-24;
12 103-605, eff. 7-1-24; 103-609, eff. 7-1-24; 103-1063, eff.
13 3-1-25.)

14 (735 ILCS 5/21-102) (from Ch. 110, par. 21-102)

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

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

1 name under the petition if granted: (1) has been adjudicated
2 or convicted as an adult of a felony or misdemeanor offense
3 under the laws of this State or any other state for which the
4 conviction has not been pardoned, expunged, or sealed a pardon
5 has not been granted; or (2) has an arrest as an adult for
6 which a charge has not been filed or a pending adult charge on
7 a felony or misdemeanor offense; or (3) is a juvenile with a
8 current felony or misdemeanor adjudication or conviction that
9 has not been sealed or expunged, and for which a pardon has not
10 been granted, a pending charge on a felony or misdemeanor, or
11 has an arrest for which a charge has not been filed. The
12 petition shall be signed by the person petitioning or, in case
13 of minors, by the parent or guardian having the legal custody
14 of the minor.

15 (a-1) Adults with sealed juvenile convictions or
16 adjudications are not required to disclose the sealed
17 convictions or adjudications on the name change petition, and
18 such convictions and adjudications shall not be considered in
19 the proceedings.

20 (b) If the statement provided under subsection (a) of this
21 Section indicates the petitioner or any other person 18 years
22 of age or older who will be subject to a change of name under
23 the petition, if granted, has been adjudicated or convicted of
24 a felony or misdemeanor offense under the laws of this State
25 and has not received a pardon or had such adjudication or
26 conviction expunged, or is required to register under the Sex

1 Offender Registration Act, the Murderer and Violent Offender
2 Against Youth Registration Act, or the Arsonist Registry Act
3 in this State or a similar law in any other state and ~~for which~~
4 ~~a pardon~~ has not been pardoned ~~granted~~, or has an arrest for
5 which a charge has not been filed in this State, or has ~~or~~ a
6 pending charge on a felony or misdemeanor offense in this
7 State, the State's Attorney may request the court to or the
8 court may on its own motion, require the person, prior to a
9 hearing on the petition, to initiate an update of his or her
10 criminal history transcript with the Illinois State Police.
11 The Illinois State Police shall allow a person to use the
12 Access and Review process, established by rule by ~~in~~ the
13 Illinois State Police, for this purpose. Upon completion of
14 the update of the criminal history transcript, the petitioner
15 shall file confirmation of each update with the court, which
16 shall seal the records from disclosure outside of court
17 proceedings on the petition.

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

21 (c) Any petition filed under subsection (a) shall include
22 the following: "WARNING: If you are required to register under
23 the Sex Offender Registration Act, the Murderer and Violent
24 Offender Against Youth Registration Act, or the Arsonist
25 Registry Act in this State or a similar law in any other state
26 and have not been pardoned, even if the conviction or

1 adjudication requiring registration has been sealed, you will
2 be committing a felony under those respective Acts by seeking
3 a change of name during the registration period UNLESS your
4 request for legal name change is due to marriage, religious
5 beliefs, status as a victim of trafficking or gender related
6 identity as defined by the Illinois Human Rights Act.".

7 (Source: P.A. 102-538, eff. 8-20-21; 102-1133, eff. 1-1-24;
8 103-605, eff. 7-1-24; 103-609, eff. 7-1-24.)

9 (735 ILCS 5/21-102.5)

10 Sec. 21-102.5. Notice; objection.

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

1 arrest for which a charge has not been filed. Notice of a name
2 change shall not be given to the Illinois State Police and
3 State's Attorney for an adult with a sealed, expunged, or
4 pardoned juvenile conviction or adjudication.

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

1 ~~Objections to a petition must be filed within 30 days of the~~
2 ~~date of service of the petition upon the State's Attorney if~~
3 ~~the petitioner:~~

4 ~~(1) is the defendant in a pending criminal offense~~
5 ~~charge; or~~

6 ~~(2) has been convicted of identity theft, aggravated~~
7 ~~identity theft, felony or misdemeanor criminal sexual~~
8 ~~abuse when the victim of the offense at the time of its~~
9 ~~commission is under 18 years of age, felony or misdemeanor~~
10 ~~sexual exploitation of a child, felony or misdemeanor~~
11 ~~indecent solicitation of a child, or felony or misdemeanor~~
12 ~~indecent solicitation of an adult, and has not been~~
13 ~~pardoned for the conviction.~~

14 (Source: P.A. 102-538, eff. 8-20-21; 102-1133, eff. 1-1-24;
15 103-605, eff. 7-1-24.)".