

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 21-103 and by adding Sections
6 21-102.5 and 21-106 as follows:

7 (735 ILCS 5/21-101) (from Ch. 110, par. 21-101)

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

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

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

1 determining the best interest of a minor child under this
2 Section, the court shall consider all relevant factors,
3 including:

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

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

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

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

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

22 (735 ILCS 5/21-102.5 new)

23 Sec. 21-102.5. Notice; objection.

24 (a) The circuit court clerk shall promptly serve a copy of
25 the petition on the State's Attorney where the petitioner

1 resides.

2 (b) The State's Attorney may file an objection if the
3 petitioner:

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

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; or

13 (3) has been convicted of any other offense for which
14 he or she is required to register under the Sex Offender
15 Registration Act in this State or any other state; and

16 (4) has not been pardoned for the conviction of an
17 offense listed under paragraph (2) or (3) of this
18 subsection (b).

19 (c) All objections shall be in writing, shall be filed with
20 the circuit court clerk, and shall state with specificity the
21 basis of the objection. Objections to a petition must be filed
22 within 30 days of the date of service of the petition upon the
23 State's Attorney.

24 (735 ILCS 5/21-103) (from Ch. 110, par. 21-103)

25 Sec. 21-103. Notice by publication.

1 (a) Previous notice shall be given of the intended
2 application by publishing a notice thereof in some newspaper
3 published in the municipality in which the person resides if
4 the municipality is in a county with a population under
5 2,000,000, or if the person does not reside in a municipality
6 in a county with a population under 2,000,000, or if no
7 newspaper is published in the municipality or if the person
8 resides in a county with a population of 2,000,000 or more,
9 then in some newspaper published in the county where the person
10 resides, or if no newspaper is published in that county, then
11 in some convenient newspaper published in this State. The
12 notice shall be inserted for 3 consecutive weeks after filing,
13 the first insertion to be at least 6 weeks before the return
14 day upon which the petition is to be heard, and shall be signed
15 by the petitioner or, in case of a minor, the minor's parent or
16 guardian, and shall set forth the return day of court on which
17 the petition is to be heard and the name sought to be assumed.

18 (b) The publication requirement of subsection (a) shall not
19 be required in any application for a change of name involving a
20 minor if, before making judgment under this Article, reasonable
21 notice and opportunity to be heard is given to any parent whose
22 parental rights have not been previously terminated and to any
23 person who has physical custody of the child. If any of these
24 persons are outside this State, notice and opportunity to be
25 heard shall be given under Section 21-104.

26 (c) The Director of State Police or his or her designee may

1 apply to the circuit court for an order directing that the
2 notice and publication requirements of this Section be waived
3 if the Director or his or her designee certifies that the name
4 change being sought is intended to protect a witness during and
5 following a criminal investigation or proceeding. The court may
6 waive the publication requirement under subsection (a) and
7 order that the record of the proceeding be designated
8 confidential if the court finds good cause for entering such an
9 order. Good cause includes, but is not limited to, evidence
10 that publication or availability of a record of the proceeding
11 will place the petitioner or another individual in physical
12 danger and evidence that the petitioner or another individual
13 has been the victim of stalking or assaultive behavior.

14 (Source: P.A. 94-147, eff. 1-1-06.)

15 (735 ILCS 5/21-106 new)

16 Sec. 21-106. Sealing.

17 The court may order that the records of the clerk of the
18 circuit court of a proceeding under this Article be sealed
19 until further order of the court upon good cause shown. Good
20 cause includes, but is not limited to, evidence that
21 availability of the records of the proceeding will place the
22 petitioner or another person in physical danger; evidence that
23 the petitioner or another person has been the victim of
24 stalking, domestic violence, or assaultive behavior; or
25 evidence of certification by the Department of State Police

1 under subsection (c) of Section 21-103 of this Article of the
2 name change to protect a witness during or following a criminal
3 investigation or proceeding.