

HB3083



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3083

Introduced 2/17/2023, by Rep. Justin Slaughter

SYNOPSIS AS INTRODUCED:

735 ILCS 5/21-101

from Ch. 110, par. 21-101

Amends the Change of Name Article of the Code of Civil Procedure. Provides that if any person who is a resident of the State and has resided in the State for 6 months desires to change his or her name and to assume another name by which to be afterwards called and known for religious reasons, the person may file a notarized form with the Office of the Secretary of State to legally change his or her name claiming a religious exemption. Requires the Secretary of State to adopt rules to implement the provisions, and to create and make available the change of name form.

LRB103 29751 LNS 56157 b

A BILL FOR

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 Section 21-101 as follows:

6 (735 ILCS 5/21-101) (from Ch. 110, par. 21-101)
7 Sec. 21-101. Proceedings; parties.

8 (a) Except as provided in subsection (e), if ~~if~~ any person
9 who is a resident of this State and has resided in this State
10 for 6 months desires to change his or her name and to assume
11 another name by which to be afterwards called and known, the
12 person may file a petition in the circuit court of the county
13 wherein he or she resides praying for that relief.

14 (b) The filing of a petition in accordance with this
15 Section shall be the sole and exclusive means by which any
16 person committed under the laws of this State to a penal
17 institution may change his or her name and assume another
18 name. However, any person convicted of a felony in this State
19 or any other state who has not been pardoned may not file a
20 petition for a name change until 10 years have passed since
21 completion and discharge from his or her sentence. A person
22 who has been convicted of identity theft, aggravated identity
23 theft, felony or misdemeanor criminal sexual abuse when the

1 victim of the offense at the time of its commission is under 18
2 years of age, felony or misdemeanor sexual exploitation of a
3 child, felony or misdemeanor indecent solicitation of a child,
4 or felony or misdemeanor indecent solicitation of an adult, or
5 any other offense for which a person is required to register
6 under the Sex Offender Registration Act in this State or any
7 other state who has not been pardoned shall not be permitted to
8 file a petition for a name change in the courts of Illinois.

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

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

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

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

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

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

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

1 misdemeanor offense, a copy of the order, including a copy of
2 each applicable access and review response, shall be forwarded
3 to the Illinois State Police. The Illinois State Police shall
4 update any criminal history transcript or offender
5 registration of each person 18 years of age or older in the
6 order to include the change of name as well as his or her
7 former name.

8 (e) If any person who is a resident of this State and has
9 resided in this State for 6 months desires to change his or her
10 name and to assume another name by which to be afterwards
11 called and known for religious reasons, the person may file a
12 notarized form with the Office of the Secretary of State,
13 including with the Secretary of State's Driver Services
14 Department, to legally change his or her name claiming a
15 religious exemption. The Secretary of State shall adopt rules
16 to implement this Section. The Secretary of State shall create
17 and make available the change of name form to be used under
18 this subsection.

19 (Source: P.A. 102-538, eff. 8-20-21.)