



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB2513

Introduced 10/26/2011, by Sen. Wm. Sam McCann

SYNOPSIS AS INTRODUCED:

735 ILCS 5/21-101
735 ILCS 5/21-102

from Ch. 110, par. 21-101
from Ch. 110, par. 21-102

Amends the Code of Civil Procedure. In provisions concerning the procedure and petition used by a person to change his or her name, adds the requirement that the person be a United States citizen. Provides that this additional requirement applies to petitions pending on or filed on or after the effective date. Effective immediately.

LRB097 14079 AJO 58742 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 21-101 and 21-102 as follows:

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

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

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

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

1 Section, the court shall consider all relevant factors,
2 including:

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

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

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

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

20 The changes made by this amendatory Act of the 97th General
21 Assembly apply to any petition pending on or filed on or after
22 the effective date of this amendatory Act of the 97th General
23 Assembly.

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

25 (735 ILCS 5/21-102) (from Ch. 110, par. 21-102)

1 Sec. 21-102. Petition. The petition shall set forth the
2 name then held, the name sought to be assumed, the residence of
3 the petitioner, the length of time the petitioner has resided
4 in this State, ~~and~~ the state or country of the petitioner's
5 nativity or supposed nativity, and that the petitioner is a
6 United States citizen. The petition shall be signed by the
7 person petitioning or, in case of minors, by the parent or
8 guardian having the legal custody of the minor. The petition
9 shall be verified by the affidavit of some credible person.

10 The changes made by this amendatory Act of the 97th General
11 Assembly apply to any petition pending on or filed on or after
12 the effective date of this amendatory Act of the 97th General
13 Assembly.

14 (Source: P.A. 87-409.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.