



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5164

Introduced 2/9/2024, by Rep. Kevin John Olickal

SYNOPSIS AS INTRODUCED:

705 ILCS 105/27.1b

735 ILCS 5/21-101

735 ILCS 5/21-103.8 new

735 ILCS 5/21-103 rep.

from Ch. 110, par. 21-101

Amends the Clerks of the Court Act. Provides that filing fees for a petition for change name may not exceed \$25, and the court may waive this fee for good cause shown. Amends Name Change Article of the Code of Civil Procedure. Deletes the requirement that a petitioner must reside in this State for 6 months before the petitioner may file a petition under this Article. Allows a petitioner to request that the court file be impounded if public disclosure may be a hardship and have a negative impact on the petitioner's health or safety to include, but not be limited to, if the person is transgender, an adoptee, a survivor of domestic or intimate partner abuse, a survivor of gender-based violence, a survivor of human trafficking, a refugee, has been granted special immigrant status by the United States Citizenship and Immigration Service, or has been granted asylum in this country. The petitioner may attach to the statement any supporting documents including relevant court orders. Allows the petitioner to request that his or her address be omitted from court documents if it would put the petitioner or petitioner's family at risk. Repeals the requirements to publish a notice of a petition to change a name.

LRB103 37155 JRC 67274 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 Clerks of Courts Act is amended by changing
5 Section 27.1b as follows:

6 (705 ILCS 105/27.1b)

7 Sec. 27.1b. Circuit court clerk fees. Notwithstanding any
8 other provision of law, all fees charged by the clerks of the
9 circuit court for the services described in this Section shall
10 be established, collected, and disbursed in accordance with
11 this Section. Except as otherwise specified in this Section,
12 all fees under this Section shall be paid in advance and
13 disbursed by each clerk on a monthly basis. In a county with a
14 population of over 3,000,000, units of local government and
15 school districts shall not be required to pay fees under this
16 Section in advance and the clerk shall instead send an
17 itemized bill to the unit of local government or school
18 district, within 30 days of the fee being incurred, and the
19 unit of local government or school district shall be allowed
20 at least 30 days from the date of the itemized bill to pay;
21 these payments shall be disbursed by each clerk on a monthly
22 basis. Unless otherwise specified in this Section, the amount
23 of a fee shall be determined by ordinance or resolution of the

1 county board and remitted to the county treasurer to be used
2 for purposes related to the operation of the court system in
3 the county. In a county with a population of over 3,000,000,
4 any amount retained by the clerk of the circuit court or
5 remitted to the county treasurer shall be subject to
6 appropriation by the county board.

7 (a) Civil cases. The fee for filing a complaint, petition,
8 or other pleading initiating a civil action shall be as set
9 forth in the applicable schedule under this subsection in
10 accordance with case categories established by the Supreme
11 Court in schedules.

12 (1) SCHEDULE 1: not to exceed a total of \$366 in a
13 county with a population of 3,000,000 or more and not to
14 exceed \$316 in any other county, except as applied to
15 units of local government and school districts in counties
16 with more than 3,000,000 inhabitants an amount not to
17 exceed \$190 through December 31, 2021 and \$184 on and
18 after January 1, 2022. The fees collected under this
19 schedule shall be disbursed as follows:

20 (A) The clerk shall retain a sum, in an amount not
21 to exceed \$55 in a county with a population of
22 3,000,000 or more and in an amount not to exceed \$45 in
23 any other county determined by the clerk with the
24 approval of the Supreme Court, to be used for court
25 automation, court document storage, and administrative
26 purposes.

1 (B) The clerk shall remit up to \$21 to the State
2 Treasurer. The State Treasurer shall deposit the
3 appropriate amounts, in accordance with the clerk's
4 instructions, as follows:

5 (i) up to \$10, as specified by the Supreme
6 Court in accordance with Part 10A of Article II of
7 the Code of Civil Procedure, into the Mandatory
8 Arbitration Fund;

9 (ii) \$2 into the Access to Justice Fund; and

10 (iii) \$9 into the Supreme Court Special
11 Purposes Fund.

12 (C) The clerk shall remit a sum to the County
13 Treasurer, in an amount not to exceed \$290 in a county
14 with a population of 3,000,000 or more and in an amount
15 not to exceed \$250 in any other county, as specified by
16 ordinance or resolution passed by the county board,
17 for purposes related to the operation of the court
18 system in the county.

19 (2) SCHEDULE 2: not to exceed a total of \$357 in a
20 county with a population of 3,000,000 or more and not to
21 exceed \$266 in any other county, except as applied to
22 units of local government and school districts in counties
23 with more than 3,000,000 inhabitants an amount not to
24 exceed \$190 through December 31, 2021 and \$184 on and
25 after January 1, 2022. The fees collected under this
26 schedule shall be disbursed as follows:

1 (A) The clerk shall retain a sum, in an amount not
2 to exceed \$55 in a county with a population of
3 3,000,000 or more and in an amount not to exceed \$45 in
4 any other county determined by the clerk with the
5 approval of the Supreme Court, to be used for court
6 automation, court document storage, and administrative
7 purposes.

8 (B) The clerk shall remit up to \$21 to the State
9 Treasurer. The State Treasurer shall deposit the
10 appropriate amounts, in accordance with the clerk's
11 instructions, as follows:

12 (i) up to \$10, as specified by the Supreme
13 Court in accordance with Part 10A of Article II of
14 the Code of Civil Procedure, into the Mandatory
15 Arbitration Fund;

16 (ii) \$2 into the Access to Justice Fund; and

17 (iii) \$9 into the Supreme Court Special
18 Purposes Fund.

19 (C) The clerk shall remit a sum to the County
20 Treasurer, in an amount not to exceed \$281 in a county
21 with a population of 3,000,000 or more and in an amount
22 not to exceed \$200 in any other county, as specified by
23 ordinance or resolution passed by the county board,
24 for purposes related to the operation of the court
25 system in the county.

26 (3) SCHEDULE 3: not to exceed a total of \$265 in a

1 county with a population of 3,000,000 or more and not to
2 exceed \$89 in any other county, except as applied to units
3 of local government and school districts in counties with
4 more than 3,000,000 inhabitants an amount not to exceed
5 \$190 through December 31, 2021 and \$184 on and after
6 January 1, 2022. The fees collected under this schedule
7 shall be disbursed as follows:

8 (A) The clerk shall retain a sum, in an amount not
9 to exceed \$55 in a county with a population of
10 3,000,000 or more and in an amount not to exceed \$22 in
11 any other county determined by the clerk with the
12 approval of the Supreme Court, to be used for court
13 automation, court document storage, and administrative
14 purposes.

15 (B) The clerk shall remit \$11 to the State
16 Treasurer. The State Treasurer shall deposit the
17 appropriate amounts in accordance with the clerk's
18 instructions, as follows:

19 (i) \$2 into the Access to Justice Fund; and

20 (ii) \$9 into the Supreme Court Special
21 Purposes Fund.

22 (C) The clerk shall remit a sum to the County
23 Treasurer, in an amount not to exceed \$199 in a county
24 with a population of 3,000,000 or more and in an amount
25 not to exceed \$56 in any other county, as specified by
26 ordinance or resolution passed by the county board,

1 for purposes related to the operation of the court
2 system in the county.

3 (4) SCHEDULE 4: \$0.

4 (b) Appearance. The fee for filing an appearance in a
5 civil action, including a cannabis civil law action under the
6 Cannabis Control Act, shall be as set forth in the applicable
7 schedule under this subsection in accordance with case
8 categories established by the Supreme Court in schedules.

9 (1) SCHEDULE 1: not to exceed a total of \$230 in a
10 county with a population of 3,000,000 or more and not to
11 exceed \$191 in any other county, except as applied to
12 units of local government and school districts in counties
13 with more than 3,000,000 inhabitants an amount not to
14 exceed \$75. The fees collected under this schedule shall
15 be disbursed as follows:

16 (A) The clerk shall retain a sum, in an amount not
17 to exceed \$50 in a county with a population of
18 3,000,000 or more and in an amount not to exceed \$45 in
19 any other county determined by the clerk with the
20 approval of the Supreme Court, to be used for court
21 automation, court document storage, and administrative
22 purposes.

23 (B) The clerk shall remit up to \$21 to the State
24 Treasurer. The State Treasurer shall deposit the
25 appropriate amounts, in accordance with the clerk's
26 instructions, as follows:

1 (i) up to \$10, as specified by the Supreme
2 Court in accordance with Part 10A of Article II of
3 the Code of Civil Procedure, into the Mandatory
4 Arbitration Fund;

5 (ii) \$2 into the Access to Justice Fund; and

6 (iii) \$9 into the Supreme Court Special
7 Purposes Fund.

8 (C) The clerk shall remit a sum to the County
9 Treasurer, in an amount not to exceed \$159 in a county
10 with a population of 3,000,000 or more and in an amount
11 not to exceed \$125 in any other county, as specified by
12 ordinance or resolution passed by the county board,
13 for purposes related to the operation of the court
14 system in the county.

15 (2) SCHEDULE 2: not to exceed a total of \$130 in a
16 county with a population of 3,000,000 or more and not to
17 exceed \$109 in any other county, except as applied to
18 units of local government and school districts in counties
19 with more than 3,000,000 inhabitants an amount not to
20 exceed \$75. The fees collected under this schedule shall
21 be disbursed as follows:

22 (A) The clerk shall retain a sum, in an amount not
23 to exceed \$50 in a county with a population of
24 3,000,000 or more and in an amount not to exceed \$10 in
25 any other county determined by the clerk with the
26 approval of the Supreme Court, to be used for court

1 automation, court document storage, and administrative
2 purposes.

3 (B) The clerk shall remit \$9 to the State
4 Treasurer, which the State Treasurer shall deposit
5 into the Supreme Court Special Purposes Fund.

6 (C) The clerk shall remit a sum to the County
7 Treasurer, in an amount not to exceed \$71 in a county
8 with a population of 3,000,000 or more and in an amount
9 not to exceed \$90 in any other county, as specified by
10 ordinance or resolution passed by the county board,
11 for purposes related to the operation of the court
12 system in the county.

13 (3) SCHEDULE 3: \$0.

14 (b-5) Kane County and Will County. In Kane County and Will
15 County civil cases, there is an additional fee of up to \$30 as
16 set by the county board under Section 5-1101.3 of the Counties
17 Code to be paid by each party at the time of filing the first
18 pleading, paper, or other appearance; provided that no
19 additional fee shall be required if more than one party is
20 represented in a single pleading, paper, or other appearance.
21 Distribution of fees collected under this subsection (b-5)
22 shall be as provided in Section 5-1101.3 of the Counties Code.

23 (c) Counterclaim or third party complaint. When any
24 defendant files a counterclaim or third party complaint, as
25 part of the defendant's answer or otherwise, the defendant
26 shall pay a filing fee for each counterclaim or third party

1 complaint in an amount equal to the filing fee the defendant
2 would have had to pay had the defendant brought a separate
3 action for the relief sought in the counterclaim or third
4 party complaint, less the amount of the appearance fee, if
5 any, that the defendant has already paid in the action in which
6 the counterclaim or third party complaint is filed.

7 (d) Alias summons. The clerk shall collect a fee not to
8 exceed \$6 in a county with a population of 3,000,000 or more
9 and not to exceed \$5 in any other county for each alias summons
10 or citation issued by the clerk, except as applied to units of
11 local government and school districts in counties with more
12 than 3,000,000 inhabitants an amount not to exceed \$5 for each
13 alias summons or citation issued by the clerk.

14 (e) Jury services. The clerk shall collect, in addition to
15 other fees allowed by law, a sum not to exceed \$212.50, as a
16 fee for the services of a jury in every civil action not
17 quasi-criminal in its nature and not a proceeding for the
18 exercise of the right of eminent domain and in every other
19 action wherein the right of trial by jury is or may be given by
20 law. The jury fee shall be paid by the party demanding a jury
21 at the time of filing the jury demand. If the fee is not paid
22 by either party, no jury shall be called in the action or
23 proceeding, and the action or proceeding shall be tried by the
24 court without a jury.

25 (f) Change of venue. In connection with a change of venue:

26 (1) The clerk of the jurisdiction from which the case

1 is transferred may charge a fee, not to exceed \$40, for the
2 preparation and certification of the record; and

3 (2) The clerk of the jurisdiction to which the case is
4 transferred may charge the same filing fee as if it were
5 the commencement of a new suit.

6 (g) Petition to vacate or modify.

7 (1) In a proceeding involving a petition to vacate or
8 modify any final judgment or order filed within 30 days
9 after the judgment or order was entered, except for an
10 eviction case, small claims case, petition to reopen an
11 estate, petition to modify, terminate, or enforce a
12 judgment or order for child or spousal support, or
13 petition to modify, suspend, or terminate an order for
14 withholding, the fee shall not exceed \$60 in a county with
15 a population of 3,000,000 or more and shall not exceed \$50
16 in any other county, except as applied to units of local
17 government and school districts in counties with more than
18 3,000,000 inhabitants an amount not to exceed \$50.

19 (2) In a proceeding involving a petition to vacate or
20 modify any final judgment or order filed more than 30 days
21 after the judgment or order was entered, except for a
22 petition to modify, terminate, or enforce a judgment or
23 order for child or spousal support, or petition to modify,
24 suspend, or terminate an order for withholding, the fee
25 shall not exceed \$75.

26 (3) In a proceeding involving a motion to vacate or

1 amend a final order, motion to vacate an ex parte
2 judgment, judgment of forfeiture, or "failure to appear"
3 or "failure to comply" notices sent to the Secretary of
4 State, the fee shall equal \$40.

5 (h) Appeals preparation. The fee for preparation of a
6 record on appeal shall be based on the number of pages, as
7 follows:

8 (1) if the record contains no more than 100 pages, the
9 fee shall not exceed \$70 in a county with a population of
10 3,000,000 or more and shall not exceed \$50 in any other
11 county;

12 (2) if the record contains between 100 and 200 pages,
13 the fee shall not exceed \$100; and

14 (3) if the record contains 200 or more pages, the
15 clerk may collect an additional fee not to exceed 25 cents
16 per page.

17 (i) Remands. In any cases remanded to the circuit court
18 from the Supreme Court or the appellate court for a new trial,
19 the clerk shall reinstate the case with either its original
20 number or a new number. The clerk shall not charge any new or
21 additional fee for the reinstatement. Upon reinstatement, the
22 clerk shall advise the parties of the reinstatement. Parties
23 shall have the same right to a jury trial on remand and
24 reinstatement that they had before the appeal, and no
25 additional or new fee or charge shall be made for a jury trial
26 after remand.

1 (j) Garnishment, wage deduction, and citation. In
2 garnishment affidavit, wage deduction affidavit, and citation
3 petition proceedings:

4 (1) if the amount in controversy in the proceeding is
5 not more than \$1,000, the fee may not exceed \$35 in a
6 county with a population of 3,000,000 or more and may not
7 exceed \$15 in any other county, except as applied to units
8 of local government and school districts in counties with
9 more than 3,000,000 inhabitants an amount not to exceed
10 \$15;

11 (2) if the amount in controversy in the proceeding is
12 greater than \$1,000 and not more than \$5,000, the fee may
13 not exceed \$45 in a county with a population of 3,000,000
14 or more and may not exceed \$30 in any other county, except
15 as applied to units of local government and school
16 districts in counties with more than 3,000,000 inhabitants
17 an amount not to exceed \$30; and

18 (3) if the amount in controversy in the proceeding is
19 greater than \$5,000, the fee may not exceed \$65 in a county
20 with a population of 3,000,000 or more and may not exceed
21 \$50 in any other county, except as applied to units of
22 local government and school districts in counties with
23 more than 3,000,000 inhabitants an amount not to exceed
24 \$50.

25 (j-5) Debt collection. In any proceeding to collect a debt
26 subject to the exception in item (ii) of subparagraph (A-5) of

1 paragraph (1) of subsection (z) of this Section, the circuit
2 court shall order and the clerk shall collect from each
3 judgment debtor a fee of:

4 (1) \$35 if the amount in controversy in the proceeding
5 is not more than \$1,000;

6 (2) \$45 if the amount in controversy in the proceeding
7 is greater than \$1,000 and not more than \$5,000; and

8 (3) \$65 if the amount in controversy in the proceeding
9 is greater than \$5,000.

10 (k) Collections.

11 (1) For all collections made of others, except the
12 State and county and except in maintenance or child
13 support cases, the clerk may collect a fee of up to 2.5% of
14 the amount collected and turned over.

15 (2) In child support and maintenance cases, the clerk
16 may collect an annual fee of up to \$36 from the person
17 making payment for maintaining child support records and
18 the processing of support orders to the State of Illinois
19 KIDS system and the recording of payments issued by the
20 State Disbursement Unit for the official record of the
21 Court. This fee is in addition to and separate from
22 amounts ordered to be paid as maintenance or child support
23 and shall be deposited into a Separate Maintenance and
24 Child Support Collection Fund, of which the clerk shall be
25 the custodian, ex officio, to be used by the clerk to
26 maintain child support orders and record all payments

1 issued by the State Disbursement Unit for the official
2 record of the Court. The clerk may recover from the person
3 making the maintenance or child support payment any
4 additional cost incurred in the collection of this annual
5 fee.

6 (3) The clerk may collect a fee of \$5 for
7 certifications made to the Secretary of State as provided
8 in Section 7-703 of the Illinois Vehicle Code, and this
9 fee shall be deposited into the Separate Maintenance and
10 Child Support Collection Fund.

11 (4) In proceedings to foreclose the lien of delinquent
12 real estate taxes, State's Attorneys shall receive a fee
13 of 10% of the total amount realized from the sale of real
14 estate sold in the proceedings. The clerk shall collect
15 the fee from the total amount realized from the sale of the
16 real estate sold in the proceedings and remit to the
17 County Treasurer to be credited to the earnings of the
18 Office of the State's Attorney.

19 (l) Mailing. The fee for the clerk mailing documents shall
20 not exceed \$10 plus the cost of postage.

21 (m) Certified copies. The fee for each certified copy of a
22 judgment, after the first copy, shall not exceed \$10.

23 (n) Certification, authentication, and reproduction.

24 (1) The fee for each certification or authentication
25 for taking the acknowledgment of a deed or other
26 instrument in writing with the seal of office shall not

1 exceed \$6.

2 (2) The fee for reproduction of any document contained
3 in the clerk's files shall not exceed:

4 (A) \$2 for the first page;

5 (B) 50 cents per page for the next 19 pages; and

6 (C) 25 cents per page for all additional pages.

7 (o) Record search. For each record search, within a
8 division or municipal district, the clerk may collect a search
9 fee not to exceed \$6 for each year searched.

10 (p) Hard copy. For each page of hard copy print output,
11 when case records are maintained on an automated medium, the
12 clerk may collect a fee not to exceed \$10 in a county with a
13 population of 3,000,000 or more and not to exceed \$6 in any
14 other county, except as applied to units of local government
15 and school districts in counties with more than 3,000,000
16 inhabitants an amount not to exceed \$6.

17 (q) Index inquiry and other records. No fee shall be
18 charged for a single plaintiff and defendant index inquiry or
19 single case record inquiry when this request is made in person
20 and the records are maintained in a current automated medium,
21 and when no hard copy print output is requested. The fees to be
22 charged for management records, multiple case records, and
23 multiple journal records may be specified by the Chief Judge
24 pursuant to the guidelines for access and dissemination of
25 information approved by the Supreme Court.

26 (r) Performing a marriage. There shall be a \$10 fee for

1 performing a marriage in court.

2 (s) Voluntary assignment. For filing each deed of
3 voluntary assignment, the clerk shall collect a fee not to
4 exceed \$20. For recording a deed of voluntary assignment, the
5 clerk shall collect a fee not to exceed 50 cents for each 100
6 words. Exceptions filed to claims presented to an assignee of
7 a debtor who has made a voluntary assignment for the benefit of
8 creditors shall be considered and treated, for the purpose of
9 taxing costs therein, as actions in which the party or parties
10 filing the exceptions shall be considered as party or parties
11 plaintiff, and the claimant or claimants as party or parties
12 defendant, and those parties respectively shall pay to the
13 clerk the same fees as provided by this Section to be paid in
14 other actions.

15 (t) Expungement petition. Except as provided in Sections
16 1-19 and 5-915 of the Juvenile Court Act of 1987, the clerk may
17 collect a fee not to exceed \$60 for each expungement petition
18 filed and an additional fee not to exceed \$4 for each certified
19 copy of an order to expunge arrest records.

20 (u) Transcripts of judgment. For the filing of a
21 transcript of judgment, the clerk may collect the same fee as
22 if it were the commencement of a new suit.

23 (v) Probate filings.

24 (1) For each account (other than one final account)
25 filed in the estate of a decedent, or ward, the fee shall
26 not exceed \$25.

1 (2) For filing a claim in an estate when the amount
2 claimed is greater than \$150 and not more than \$500, the
3 fee shall not exceed \$40 in a county with a population of
4 3,000,000 or more and shall not exceed \$25 in any other
5 county; when the amount claimed is greater than \$500 and
6 not more than \$10,000, the fee shall not exceed \$55 in a
7 county with a population of 3,000,000 or more and shall
8 not exceed \$40 in any other county; and when the amount
9 claimed is more than \$10,000, the fee shall not exceed \$75
10 in a county with a population of 3,000,000 or more and
11 shall not exceed \$60 in any other county; except the court
12 in allowing a claim may add to the amount allowed the
13 filing fee paid by the claimant.

14 (3) For filing in an estate a claim, petition, or
15 supplemental proceeding based upon an action seeking
16 equitable relief including the construction or contest of
17 a will, enforcement of a contract to make a will, and
18 proceedings involving testamentary trusts or the
19 appointment of testamentary trustees, the fee shall not
20 exceed \$60.

21 (4) There shall be no fee for filing in an estate: (i)
22 the appearance of any person for the purpose of consent;
23 or (ii) the appearance of an executor, administrator,
24 administrator to collect, guardian, guardian ad litem, or
25 special administrator.

26 (5) For each jury demand, the fee shall not exceed

1 \$137.50.

2 (6) For each certified copy of letters of office, of
3 court order, or other certification, the fee shall not
4 exceed \$2 per page.

5 (7) For each exemplification, the fee shall not exceed
6 \$2, plus the fee for certification.

7 (8) The executor, administrator, guardian, petitioner,
8 or other interested person or his or her attorney shall
9 pay the cost of publication by the clerk directly to the
10 newspaper.

11 (9) The person on whose behalf a charge is incurred
12 for witness, court reporter, appraiser, or other
13 miscellaneous fees shall pay the same directly to the
14 person entitled thereto.

15 (10) The executor, administrator, guardian,
16 petitioner, or other interested person or his or her
17 attorney shall pay to the clerk all postage charges
18 incurred by the clerk in mailing petitions, orders,
19 notices, or other documents pursuant to the provisions of
20 the Probate Act of 1975.

21 (w) Corrections of numbers. For correction of the case
22 number, case title, or attorney computer identification
23 number, if required by rule of court, on any document filed in
24 the clerk's office, to be charged against the party that filed
25 the document, the fee shall not exceed \$25.

26 (x) Miscellaneous.

1 (1) Interest earned on any fees collected by the clerk
2 shall be turned over to the county general fund as an
3 earning of the office.

4 (2) For any check, draft, or other bank instrument
5 returned to the clerk for non-sufficient funds, account
6 closed, or payment stopped, the clerk shall collect a fee
7 of \$25.

8 (y) Other fees. Any fees not covered in this Section shall
9 be set by rule or administrative order of the circuit court
10 with the approval of the Administrative Office of the Illinois
11 Courts. The clerk of the circuit court may provide services in
12 connection with the operation of the clerk's office, other
13 than those services mentioned in this Section, as may be
14 requested by the public and agreed to by the clerk and approved
15 by the Chief Judge. Any charges for additional services shall
16 be as agreed to between the clerk and the party making the
17 request and approved by the Chief Judge. Nothing in this
18 subsection shall be construed to require any clerk to provide
19 any service not otherwise required by law.

20 (y-5) Unpaid fees. Unless a court ordered payment schedule
21 is implemented or the fee requirements of this Section are
22 waived under a court order, the clerk of the circuit court may
23 add to any unpaid fees and costs under this Section a
24 delinquency amount equal to 5% of the unpaid fees that remain
25 unpaid after 30 days, 10% of the unpaid fees that remain unpaid
26 after 60 days, and 15% of the unpaid fees that remain unpaid

1 after 90 days. Notice to those parties may be made by signage
2 posting or publication. The additional delinquency amounts
3 collected under this Section shall be deposited into the
4 Circuit Court Clerk Operations and Administration Fund and
5 used to defray additional administrative costs incurred by the
6 clerk of the circuit court in collecting unpaid fees and
7 costs.

8 (z) Exceptions.

9 (1) No fee authorized by this Section shall apply to:

10 (A) police departments or other law enforcement
11 agencies. In this Section, "law enforcement agency"
12 means: an agency of the State or agency of a unit of
13 local government which is vested by law or ordinance
14 with the duty to maintain public order and to enforce
15 criminal laws or ordinances; the Attorney General; or
16 any State's Attorney;

17 (A-5) any unit of local government or school
18 district, except in counties having a population of
19 500,000 or more the county board may by resolution set
20 fees for units of local government or school districts
21 no greater than the minimum fees applicable in
22 counties with a population less than 3,000,000;
23 provided however, no fee may be charged to any unit of
24 local government or school district in connection with
25 any action which, in whole or in part, is: (i) to
26 enforce an ordinance; (ii) to collect a debt; or (iii)

1 under the Administrative Review Law;

2 (B) any action instituted by the corporate
3 authority of a municipality with more than 1,000,000
4 inhabitants under Section 11-31-1 of the Illinois
5 Municipal Code and any action instituted under
6 subsection (b) of Section 11-31-1 of the Illinois
7 Municipal Code by a private owner or tenant of real
8 property within 1,200 feet of a dangerous or unsafe
9 building seeking an order compelling the owner or
10 owners of the building to take any of the actions
11 authorized under that subsection;

12 (C) any commitment petition or petition for an
13 order authorizing the administration of psychotropic
14 medication or electroconvulsive therapy under the
15 Mental Health and Developmental Disabilities Code;

16 (D) a petitioner in any order of protection
17 proceeding, including, but not limited to, fees for
18 filing, modifying, withdrawing, certifying, or
19 photocopying petitions for orders of protection,
20 issuing alias summons, any related filing service, or
21 certifying, modifying, vacating, or photocopying any
22 orders of protection;

23 (E) proceedings for the appointment of a
24 confidential intermediary under the Adoption Act;

25 (F) a minor subject to Article III, IV, or V of the
26 Juvenile Court Act of 1987, or the minor's parent,

1 guardian, or legal custodian; or

2 (G) a minor under the age of 18 transferred to
3 adult court or excluded from juvenile court
4 jurisdiction under Article V of the Juvenile Court Act
5 of 1987, or the minor's parent, guardian, or legal
6 custodian.

7 (H) Notwithstanding any other provision of law,
8 the filing fee for a petition for name change may not
9 exceed \$25. For good cause shown, the court may waive
10 this filing fee.

11 (2) No fee other than the filing fee contained in the
12 applicable schedule in subsection (a) shall be charged to
13 any person in connection with an adoption proceeding.

14 (3) Upon good cause shown, the court may waive any
15 fees associated with a special needs adoption. The term
16 "special needs adoption" has the meaning provided by the
17 Illinois Department of Children and Family Services.

18 (Source: P.A. 102-145, eff. 7-23-21; 102-278, eff. 8-6-21;
19 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 103-4, eff.
20 5-31-23; 103-379, eff. 7-28-23; revised 8-30-23.)

21 Section 10. The Code of Civil Procedure is amended by
22 changing Section 21-101 and by adding Section 21-103.8 as
23 follows:

24 (735 ILCS 5/21-101) (from Ch. 110, par. 21-101)

1 Sec. 21-101. Proceedings; parties.

2 (a) If any person who is a resident of this State ~~and has~~
3 ~~resided in this State for 6 months~~ desires to change his or her
4 name and to assume another name by which to be afterwards
5 called and known, the person may file a petition requesting
6 that relief in the circuit court of the county wherein he or
7 she resides.

8 (b) A person who has been convicted of any offense for
9 which a person is required to register under the Sex Offender
10 Registration Act, the Murderer and Violent Offender Against
11 Youth Registration Act, or the Arsonist Registration Act in
12 this State or any other state and who has not been pardoned is
13 not permitted to file a petition for a name change in the
14 courts of this State during the period that the person is
15 required to register, unless that person verifies under oath,
16 as provided under Section 1-109, that the petition for the
17 name change is due to marriage, religious beliefs, status as a
18 victim of trafficking or gender-related identity as defined by
19 the Illinois Human Rights Act. A judge may grant or deny the
20 request for legal name change filed by such persons. Any such
21 persons granted a legal name change shall report the change to
22 the law enforcement agency having jurisdiction of their
23 current registration pursuant to the Duty to Report
24 requirements specified in Section 35 of the Arsonist
25 Registration Act, Section 20 of the Murderer and Violent
26 Offender Against Youth Registration Act, and Section 6 of the

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

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

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

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

26 (1) The wishes of the child's parents and any person

1 acting as a parent who has physical custody of the child.

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

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

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

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

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

9 (Source: P.A. 102-538, eff. 8-20-21; 102-1133, eff. 1-1-24;
10 revised 12-15-23.)

11 (735 ILCS 5/21-103.8 new)

12 Sec. 21-103.8. Impounding court file.

13 (a) A petitioner may file a request to have his or her court
14 file impounded by filing a statement, verified under oath as
15 provided under Section 1-109 of this Code, that the person
16 believes that public disclosure would be a hardship and have a
17 negative impact on the person's health or safety to include,
18 but not be limited to, if the person is transgender, an
19 adoptee, a survivor of domestic or intimate partner abuse, a
20 survivor of gender-based violence, a survivor of human
21 trafficking, a refugee, has been granted special immigrant
22 status by the United States Citizenship and Immigration
23 Service, or has been granted asylum in this country. The
24 petitioner may attach to the statement any supporting
25 documents including relevant court orders.

1 (b) If the petitioner files a statement attesting that
2 disclosure of the petitioner's address would put the
3 petitioner or any member of the petitioner's family or
4 household at risk or reveal the confidential address of a
5 shelter for domestic violence victims, that address may be
6 omitted from all documents filed with the court, and the
7 petitioner may designate an alternative address for service.

8 (c) Court administrators may allow domestic abuse
9 advocates, rape crisis advocates, and victim advocates to
10 assist petitioners in the preparation of name changes under
11 this subsection.

12 (735 ILCS 5/21-103 rep.)

13 Section 15. The Code of Civil Procedure is amended by
14 repealing Section 21-103.