



Rep. Kevin John Olickal

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10300HB5164ham002

LRB103 37155 JRC 71533 a

1 AMENDMENT TO HOUSE BILL 5164

2 AMENDMENT NO. _____. Amend House Bill 5164 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Civil Procedure is amended by
5 changing Section 21-101 and by adding Section 21-103.8 as
6 follows:

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

8 Sec. 21-101. Proceedings; parties.

9 (a) If any person who is a resident of this State ~~and has~~
10 ~~resided in this State for 6 months~~ desires to ~~change his or her~~
11 ~~name and to~~ assume another name by which to be afterwards
12 called and known, the person may file a petition requesting
13 that relief in the circuit court of the county wherein he or
14 she resides. The petitioner shall have resided in this State
15 for 3 months at the time of the name change hearing or entry of
16 an order granting the name change.

1 (b) A person who has been convicted of any offense for
2 which a person is required to register under the Sex Offender
3 Registration Act, the Murderer and Violent Offender Against
4 Youth Registration Act, or the Arsonist Registration Act in
5 this State or any other state and who has not been pardoned is
6 not permitted to file a petition for a name change in the
7 courts of this State during the period that the person is
8 required to register, unless that person verifies under oath,
9 as provided under Section 1-109, that the petition for the
10 name change is due to marriage, religious beliefs, status as a
11 victim of trafficking or gender-related identity as defined by
12 the Illinois Human Rights Act. A judge may grant or deny the
13 request for legal name change filed by such persons. Any such
14 persons granted a legal name change shall report the change to
15 the law enforcement agency having jurisdiction of their
16 current registration pursuant to the Duty to Report
17 requirements specified in Section 35 of the Arsonist
18 Registration Act, Section 20 of the Murderer and Violent
19 Offender Against Youth Registration Act, and Section 6 of the
20 Sex Offender Registration Act. For the purposes of this
21 subsection, a person will not face a felony charge if the
22 person's request for legal name change is denied without proof
23 of perjury.

24 (b-1) A person who has been convicted of a felony offense
25 in this State or any other state and whose sentence has not
26 been completed, terminated, or discharged is not permitted to

1 file a petition for a name change in the courts of this State
2 unless that person is pardoned for the offense.

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

13 An order shall be entered as to a minor only if the court
14 finds by clear and convincing evidence that the change is
15 necessary to serve the best interest of the child. In
16 determining the best interest of a minor child under this
17 Section, the court shall consider all relevant factors,
18 including:

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

21 (2) The wishes of the child and the reasons for those
22 wishes. The court may interview the child in chambers to
23 ascertain the child's wishes with respect to the change of
24 name. Counsel shall be present at the interview unless
25 otherwise agreed upon by the parties. The court shall
26 cause a court reporter to be present who shall make a

1 complete record of the interview instantaneously to be
2 part of the record in the case.

3 (3) The interaction and interrelationship of the child
4 with the child's ~~his or her~~ parents or persons acting as
5 parents who have physical custody of the child,
6 step-parents, siblings, step-siblings, or any other person
7 who may significantly affect the child's best interest.

8 (4) The child's adjustment to the child's ~~his or her~~
9 home, school, and community.

10 (d) If it appears to the court that the conditions and
11 requirements under this Article have been complied with and
12 that there is no reason why the relief requested should not be
13 granted, the court, by an order to be entered of record, may
14 direct and provide that the name of that person be changed in
15 accordance with the relief requested in the petition. If the
16 circuit court orders that a name change be granted to a person
17 who has been adjudicated or convicted of a felony or
18 misdemeanor offense under the laws of this State or any other
19 state for which a pardon has not been granted, or has an arrest
20 for which a charge has not been filed or a pending charge on a
21 felony or misdemeanor offense, a copy of the order, including
22 a copy of each applicable access and review response, shall be
23 forwarded to the Illinois State Police. The Illinois State
24 Police shall update any criminal history transcript or
25 offender registration of each person 18 years of age or older
26 in the order to include the change of name as well as his or

1 her former name.

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

4 (735 ILCS 5/21-103.8 new)

5 Sec. 21-103.8. Impounding court file.

6 (a) A petitioner may file a request to have the
7 petitioner's court file impounded by filing a statement,
8 verified under oath as provided under Section 1-109 of this
9 Code, that the person believes that public disclosure would be
10 a hardship and have a negative impact on the person's health or
11 safety to include, but not be limited to, that the person is
12 transgender, an adoptee, a survivor of domestic or intimate
13 partner abuse, a survivor of gender-based violence, a survivor
14 of human trafficking, a refugee, a person who has been granted
15 special immigrant status by the United States Citizenship and
16 Immigration Service, a person who has survived reparative or
17 conversion therapy, or a person who has been granted asylum in
18 this country. The petitioner may attach to the statement any
19 supporting documents including relevant court orders, although
20 self attestation shall suffice as acceptable documentation.

21 (b) If the petitioner files a statement attesting that
22 disclosure of the petitioner's address would put the
23 petitioner or any member of the petitioner's family or
24 household at risk or reveal the confidential address of a
25 shelter for domestic violence victims, that address may be

1 omitted from all documents filed with the court, and the
2 petitioner may designate an alternative address for service.

3 (735 ILCS 5/21-103 rep.)

4 Section 10. The Code of Civil Procedure is amended by
5 repealing Section 21-103.".