

**I ILLINOIS**

Student Legal Services

STUDENT AFFAIRS

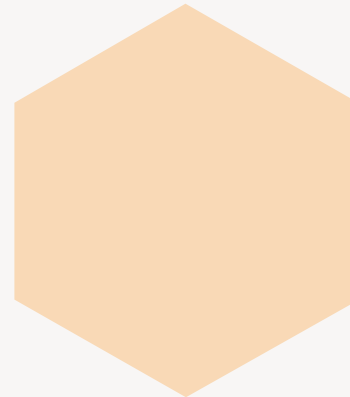
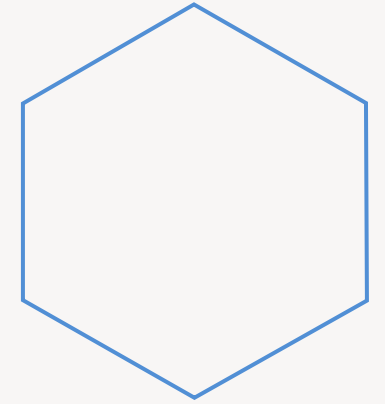
# Student Legal Services

## Illinois Name Changes

735 ILCS 5/21-101

Emily Vock & Tony Allegretti

October 23, 2023



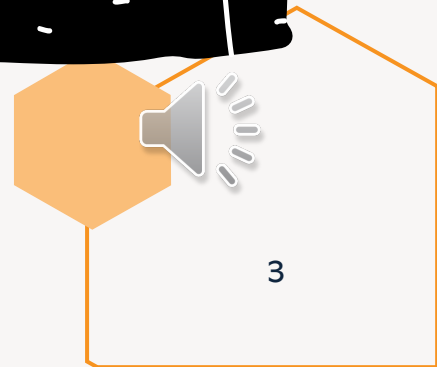
## Common law name changes not allowed

- “Common law” name change is to simply begin using your chosen name and assume it
- Common law name changes adopted in this State on or after July 1, 2010 are invalid.
- All name changes shall be made pursuant to marriage, divorce, or other legal proceedings.



# Petitioner Requirements

- Current Resident of Illinois
- Resided in Illinois for 6 months
  - Can combine residences
- File a petition in circuit court of the county of residency
  - Champaign County Courthouse
  - Urbana, Illinois



# Current Prohibitions

(Expire Dec. 31, 2023)



## Any Felony Conviction

- Unless 10 years have passed since completion and discharge from the sentence



## Identity Theft Convictions

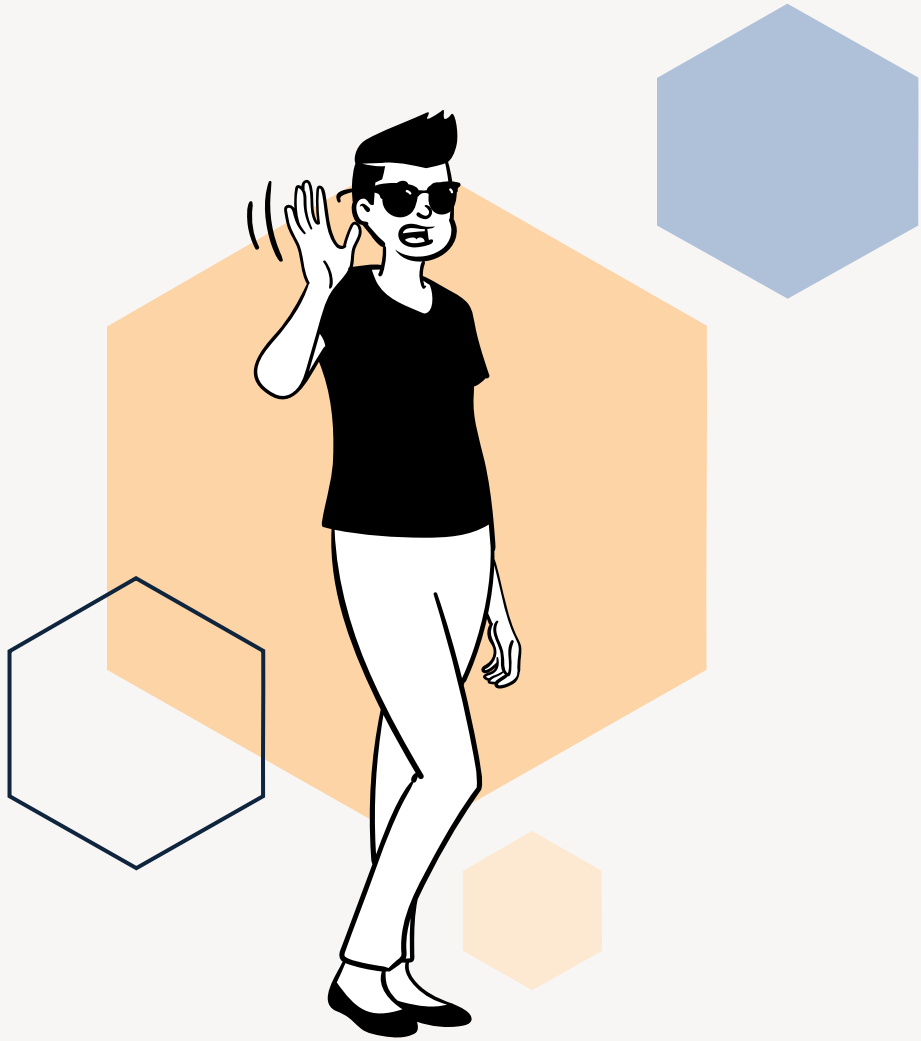
- Not allowed to petition for name change

## Sex Crimes Convictions



- Not allowed to petition for name change
- Criminal sexual abuse when the victim of the offense at the time of its commission is under 18 years of age
- Felony or misdemeanor sexual exploitation of a child
- Felony or misdemeanor indecent solicitation of a child
- Felony or misdemeanor indecent solicitation of an adult
- Any offense requiring registration under the Sex Offender Registration Act





## Affidavit in Support

- Name Change Petition must be verified by the affidavit of some credible person
- Can be friend, family member....etc



# Notice by Publication

## Publication by Newspaper

- Notice shall be published for 3 consecutive weeks after filing
- First publication must be at least 6 weeks before the petition hearing
- Publication with News-Gazette currently \$76

## Waiver-Discrimination or Physical Harm

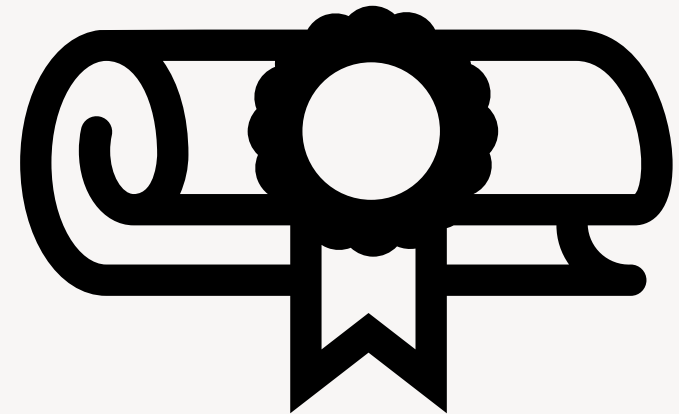
- You make a motion to the court requesting that publishing be waived because you believe publishing would put you at risk of physical harm or discrimination..
- Must provide evidence to support the claim that publishing notice of the name change would put the person at risk of physical harm or discrimination.



# Public Act 102-1133

Signed into law February 10, 2023

Effective January 1, 2024



## Easing of Offender Registration Restrictions

- Name changes allowable even if required to register under:
  - Sex Offender Registration Act
  - Murderer and Violent Offender Against Youth Registration Act
  - Arsonist Registration Act
- Name change must be due to:
  - Status as a victim of trafficking
  - Gender-related identity
    - Defined by the Illinois Human Rights Act
  - Marriage
  - Religious beliefs
- Court has discretion to deny these petitions





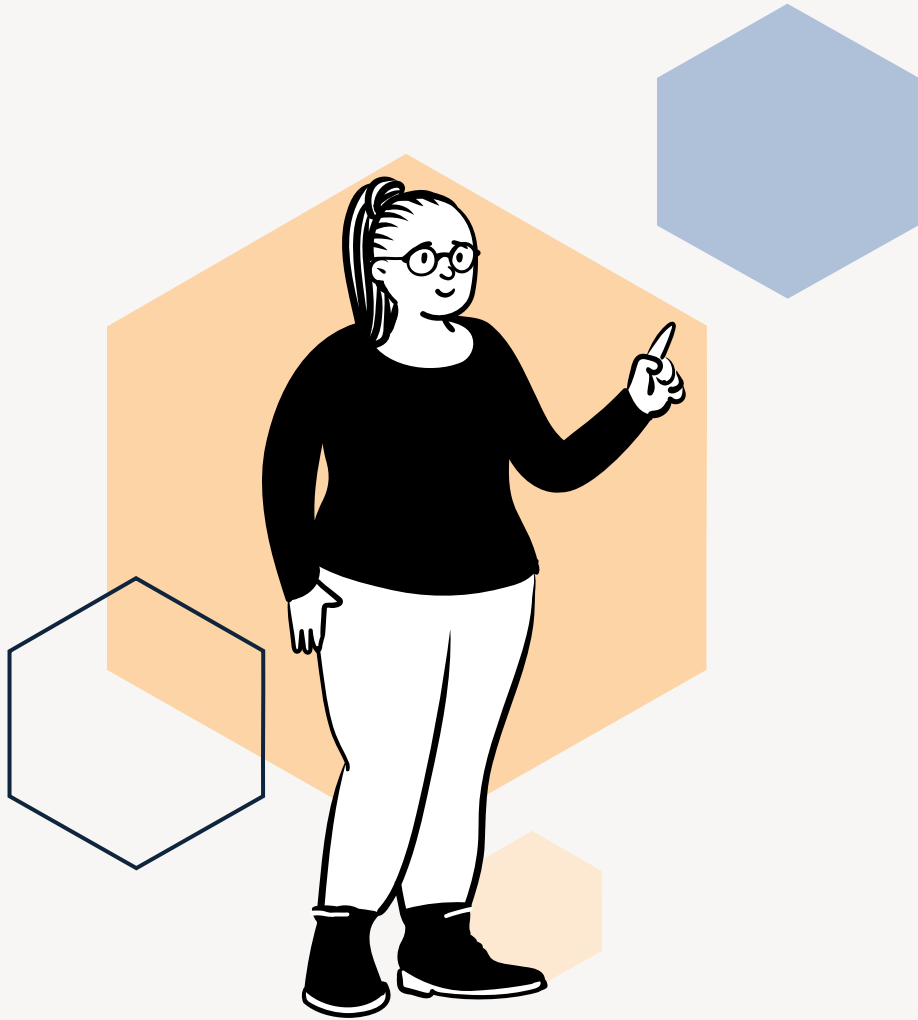
# Felony Offense Convictions

Person must wait until sentence has been completed, terminated, or discharged before filing a name change petition



## Objections to Petition

State's Attorney objections to the petition shall be served upon the petitioner





# Publication Waiver

**Allowed for Hardship**

**Including a negative impact on the person's health or safety**

- Waiver is presumed granted
- Waiver request is heard at the petition hearing
- Court has discretion to determine hardship
- May order the petitioner to publish





## Additional Changes

- Affidavit in Support no longer required
- Petitions to be filed on Statewide Approved Forms

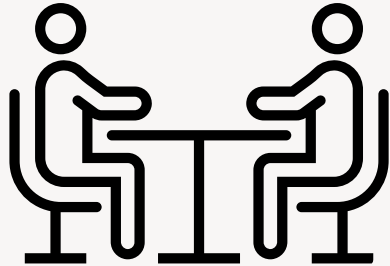




# Policy Points



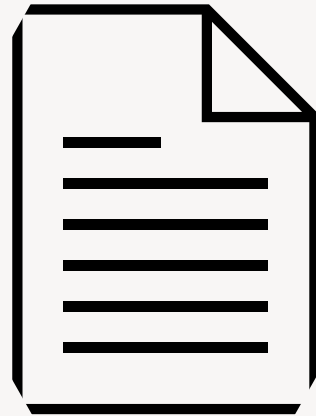
# Name Change Timeline



## Meet with SLS Attorney

Submit an intake on our website

[odos.illinois.edu/sls/](https://odos.illinois.edu/sls/)



## File Petition

Incl. Fee Waiver Petition

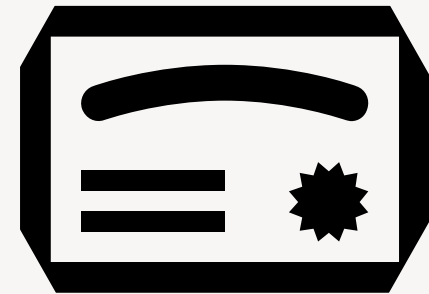
Current Fee: **\$306.00**

Electronic filing fee: \$8.84



## Go to Hearing

Approx. 2 months from filing



## Petition Approved!

Electronic Order





# Limitations

## Identifying Documents

-Signed Order does not change name on any identifying documents:

- Driver's License/State ID
- Passport
- Social Security Card
- Birth Certificate

## Changing Documents

- Administrative Process
- Varies State by State
- Lawyer not required
- Gender Marker not implicated



# Questions?

## STUDENT LEGAL SERVICES

324 Illini Union

(217) 333-9053

[odos.illinois.edu/sls/](https://odos.illinois.edu/sls/)

### Office Hours:

Monday-Friday, 8:30 am-4:30 pm  
(Closed Noon-1 pm)

[odos.illinois.edu/sls](https://odos.illinois.edu/sls)

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