

# HB2542: Modernize & Increase Access to the Name Change Process



Ensuring access to justice for all

Sponsors: Peters, Murphy, Lightford, Cunningham, Fine, Johnson, Simmons, Pacione-Zayas, Bush & Gillespie

**HB2542** would modernize and increase access to the name change process, eliminating outdated requirements such as the witness signature, expanding and streamlining the publication waiver process, and making it fairer and easier for all Illinoisans to change their names by removing current barriers that arbitrarily prevent some people with criminal records from even seeking a name change.

## Illinois' Current Name Change Process Creates Unnecessary Barriers for Everyday Illinoisans



**Sofia is a first generation American** who needs to change her name to fix her birth certificate to get a passport to travel abroad to help her sick mother. Sofia is worried about having to publish her case for 3 weeks at least 6 weeks before her hearing because it will cost her time with her mother.



**Malia is a human trafficking survivor** who needs to change her name to safely move forward with her life. Malia is afraid to publish her case, so she must convince a judge that publishing would put her at risk of harm. She does not know whether she will be able to relive her trauma again in court.



**Jerry is a senior citizen** who needs to change his name to amend his birth certificate to apply for retirement benefits. Jerry is confused by the name change paperwork, especially the section requiring him to find a witness to sign his petition. He does not understand what makes a qualifying witness, and is unsure whether he'll be able to proceed.



**Isaac is a transgender man** who needs to change his name to update his identity documents to reflect his new name. Isaac does not want to publish because he is concerned about having to out himself. He also does not want his dead name publicly displayed since that is no longer who he identifies as.

## How will HB2542 simplify the name change process?



\*Fees are dependent on county/newspaper

# HB2542: Frequently Asked Questions

## **What does HB2542 do?**

- Eliminates outdated witness signature requirement
- Expands access to publication waiver for hardship
- Streamlines the process for publication waiver requests
- Requires all courts to use standardized statewide form
- Creates a path to request a name change for people currently restricted due to criminal records

## **How does the name change law in Illinois compare to other states?**

Illinois has one of the most restrictive name change laws in the country. Only 1 other state requires a witness signature on name change petitions. There are 13 states that do not require publication for name change cases. Only 15 other states have bans or temporary waiting periods for petitioners with certain felonies, and only 3 of those states have a total bar against specific felonies.

## **How will credibility be assessed if the witness signature requirement is eliminated?**

Every person who petitions the court for a name change must attend a hearing with a judge. At the hearing, the judge hears testimony from the petitioner to assess the credibility of the individual and the case, which makes the current law's witness signature requirement unnecessary.

## **Why should people with felony records be allowed to change their names?**

When individuals with a criminal record are not permitted to change their names despite completing their sentence, they are effectively paying for their crime again by not being allowed to fully participate in society. A name change can allow someone who has served their sentence and is rehabilitated to live and work under their proper name, setting them up for greater success in their transition back to being a productive member of their community. This is especially true for people who want to change their names for reasons related to marriage, religious beliefs, status as a victim of trafficking, or gender identity.

## **What safeguards will be in place to ensure people convicted of a felony like identity theft, will not change their names to evade the law?**

The Illinois State Police Department and the State's Attorney receive notice any time someone with a criminal record petitions the court for a name change. In cases where the petitioner has pending criminal charges or has been convicted of certain crimes, the State's Attorney will have the opportunity to file an objection to the name change, which a judge will hear and decide on a case-by-case basis. If the name change is granted, the Illinois State Police Department is notified again by the court and must update the individual's criminal history transcript and the criminal registry if applicable. Both old and new names, including unofficial aliases, are included in an individual's criminal history transcript and on the criminal registry. In addition, for individuals on the registry they must report the name change to the law enforcement agency with whom they last registered within 3 to 10 days, depending on the registry.