

Adult Change of Name - 735 ILCS 5/21

1. **Qualifications:** A person who has resided in the State of Illinois for at least six (6) months can change his/her name, the name(s) of his/her child(ren) and/or the name of a spouse and/or adult unmarried child(ren) by filing a petition in the Circuit Court of the County where he/she resides.

Restrictions: Any person convicted of a felony in this State or any other state who has not been pardoned may not file a petition for name change until ten (10) years have passed since completion and discharge from his/her sentence. A person convicted of identity theft, aggravated identity theft, felony or misdemeanor criminal sexual abuse when the victim of the offense at the time of its commission is less than 18 years of age, felony or misdemeanor sexual exploitation of a child, felony or misdemeanor indecent solicitation of a child, or felony or misdemeanor indecent solicitation of an adult or any other offense for which a person is required to register under the Sex Offender Registration Act in this State or any other State who has not been pardoned shall not be permitted to file a petition for a name change in the courts of Illinois. **Therefore, the Court may ask you to provide a copy of your criminal history. This can be obtained from the State Police.**

2. Obtain and complete the following forms:

- (a) New Case Information Sheet (Plaintiff is the name you have now. Defendant is the new name you want.)
- (b) Petition for Name Change (Self)
- (c) Petition for Name Change of Spouse and/or Adult Unmarried Child(ren)
- (d) Order for Change of Name
- (e) Petition for Name Change Affidavit
- (f) Notice of Publication (Sample)

Note: The Court may ask you to provide a copy of your criminal history. This can be obtained from the State Police.

A petition is a formal written request to the Court. The person who signs and presents a petition to the Court is called a petitioner. In signing a petition, the petitioner is certifying that the statements made in the petition are true and correct, except as to matters stated to be on information and belief and as to matters the petitioner certifies that he/she believes the same to be true. An affidavit must be attached to the petition, this document has to be prepared by someone that you know and must include that person's notarized signature.

3. After filling out the New Case Information Sheet, Petition and Affidavit, make three (3) copies of each form for filing. To proceed, a court case must be filed at the Kane County Circuit Clerk's Office. You must pay a filing fee in cash, money order, personal check, or by credit card at the time of filing (see the Civil Fee Schedule on the circuit clerk's website for the current amount. All credit cards will be charged a convenience fee of 4.75% as part of the processing. A case number will be assigned upon filing.

4. Next, you must get a hearing/court date. To schedule a court date either go to Room 260 of the Kane County Courthouse, 100 S. Third St., Geneva, or call 630.232.3470. This court date must be at least nine weeks after your filing date. You will need this court date for the *Notice of Publication*. The Notice of Publication is a publication of your intention to change your name in a newspaper of general circulation in Kane County that must run for 3 consecutive weeks after filing.

Note: The first publication must be at least six weeks before the return date of when the petition is to be heard in court. DO NOT WAIT TO SET UP PUBLICATION.

To publish you must do the following:

- (a) Go to the newspaper to arrange for publication. Take two (2) copies of a *Notice of Publication* form and be prepared to pay the publication costs (contact the newspaper to find out the cost). A sample *Notice of Publication* form is attached to this packet. Give the newspaper one copy of the *Notice of Publication* and keep the other for your own records. The Publication Notice must be published for 3 consecutive weeks, so **do not** wait for three weeks before publishing.
- (b) After the requirements of the *Notice of Publication* are complete, the newspaper will mail you a "*Certificate of Publication*". Keep this *Certificate of Publication* and bring it with you on the hearing date.

5. Once your case is filed, court date is set and the Notice of Publication are completed you will need to appear on your assigned court date. Plan to arrive at the assigned courtroom at least 30 minutes prior to the scheduled start time. Check-in with the the Clerk in courtroom for your case to be called by the Judge.
6. After the Judge has signed an Order allowing your name to be changed you will need to obtain at least one certified copy of the Order to get the birth certificate changed. To get a certified copy you need to go to the Circuit Court Clerk's Office. If you do not go to Circuit Court Clerk's Office in the Courthouse on that day, you will need to go to the office at 540 S. Randall Rd., St. Charles IL. Certified copies cost \$6 for each copy. This can be paid with cash, money order, personal check or credit card. All credit cards will be charged a convenience fee of 4.75% as part of the processing.
7. To change an Illinois birth record by court order to your new name, you must complete the process with the Illinois Department of Public Health, Division of Vital Records. They require the following:
 1. A certified copy of the court order (legal name change)
 2. Adult's full name, date of birth and place of birth if not included in the court order.
 3. Check or money order payable to the IL Dept of Public Health. Verify their fees before sending payment.
 4. Your address (one certified copy of the amended record will be sent to you)

If mailing the above documentation, it is suggested to use certified mail. You may appear in person or send the documents to the following address:

Illinois Department of Public Health – Division of Vital Records
605 W. Jefferson St.
Springfield, IL 62702-5097

If you have additional questions, contact the Illinois Division of Vital Records.

Phone: 217.782.6553

E-mail: vitalrecords@idph.state.il.us

Web: www.idph.state.il.us/vitalrecords

If you were born outside of Illinois, contact the office that keeps the birth records in the State in which you were born to find out the proper procedures and fees.