



Ensuring
access
to justice
for all



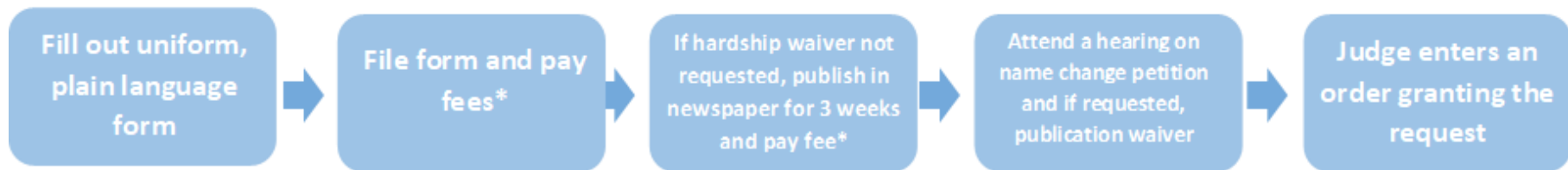
HB 2542: Remove The Bar For Name Changes

Sponsors: Peters, Murphy, Lightford, Cunningham, Fine, Johnson, Simmons, Pacione-Zayas, Bush, Gillespie, Collins and Pappas

Now...



After HB 2542...



*Fees dependent on county/newspaper

The procedural changes in HB 2542 would eliminate the witness signature and expand access to the publication waiver, as well as require a statewide standardized petition. These changes would streamline the name change process for both petitioners and the court. Simplifying and expediting the name change process would help people in need of changing the name listed on their birth certificate, thereby allowing them to complete tasks that are fundamental to life.

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The Transformative Justice Law Project and Chicago House assist transgender Illinoisans with the legal name change process. Both organizations turn away multiple people every month who are prohibited from changing their name because of criminal records restrictions in the current law. The majority of those turned away are Black and Latina women, who already experience a higher rate of discrimination and violence.

32% of trans and gender expansive people who showed IDs with a name or gender marker that did not match their presentation reported being harassed, denied services or being attacked.¹

16% were denied access to employment, housing, public benefits and health care. **9%** were asked to leave a location or establishment.¹

Lack of accurate identity documents increases difficulty in obtaining housing, education, employment and health care. Contact with these bureaucratic touchpoints increased with the Covid-19 pandemic. In a time of unprecedented need for health care services, and a rising lack of access to housing and employment, removing barriers to obtaining accurate documents is crucial.

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¹James, S. E., Herman, J. L., Rankin, S., Keisling, M., Mottet, L., & Anafi, M. (2016). The Report of the 2015 U.S. Transgender Survey. Washington, DC: National Center for Transgender Equality

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Malia



Malia is a human trafficking survivor.

She needs a job and apartment to secure a safe future for herself.

Jerry



Jerry is a senior citizen.

He needs his Social Security retirement money to pay bills.

Sofia



Sofia is a first generation American.

She needs a passport to travel abroad to care for her sick mother.

Why do they need legal name changes?

Malia needs to legally change her name so she can update her birth certificate and ID to reflect her new identity in order to apply for jobs and housing without fearing her former trafficker.

Jerry needs to legally change his name so he can amend the last name listed on his birth certificate to match the last name he has used on his other identity documents throughout his life.

Sofia needs to legally change her name so she can correct the error made on her birth certificate due to a misunderstanding between her mother and the staff at the hospital when she was born.

What harm does the current name change law cause?

Malia goes online to begin her name change case. She discovers that she will have to publish her case in the newspaper, which makes her very worried. She also finds out that she can ask her judge to waive the publication requirement, but she will have to file a motion, go to a hearing at court, and bring evidence to prove that publishing will put her at risk of harm, which she does not have. Malia does not know if she will be able to relive her trauma again in court.

Jerry goes to the courthouse so he can begin his name change case. When he gets to the clerk's office, he is handed a huge stack of paperwork to fill out. There are no instructions for him to consult and it seems like some of the paperwork might not even apply to his case. He is especially confused by one section that requires him to find a witness to sign his paperwork. He is overwhelmed and does not know how he will be able to do this on his own.

Sofia files her case right away, but she is surprised when the clerk gives her a hearing date that is two months away. The clerk tells her that she must publish her case in the newspaper for 3 consecutive weeks at least 6 weeks before a judge will hear her case. Sofia does not understand why she needs to publish her case when she is simply correcting a spelling mistake. She is also worried about how long her case will take since it will cost her time with her mother.

How will HB 2542 help?

Eliminates the motion and hearing requirement for requesting a waiver for publication.

Creates a statewide, standardized form with easy instructions and eliminates the witness signature requirement.

Expands the publication waiver to include anyone who might experience a hardship as a result of having to publish.

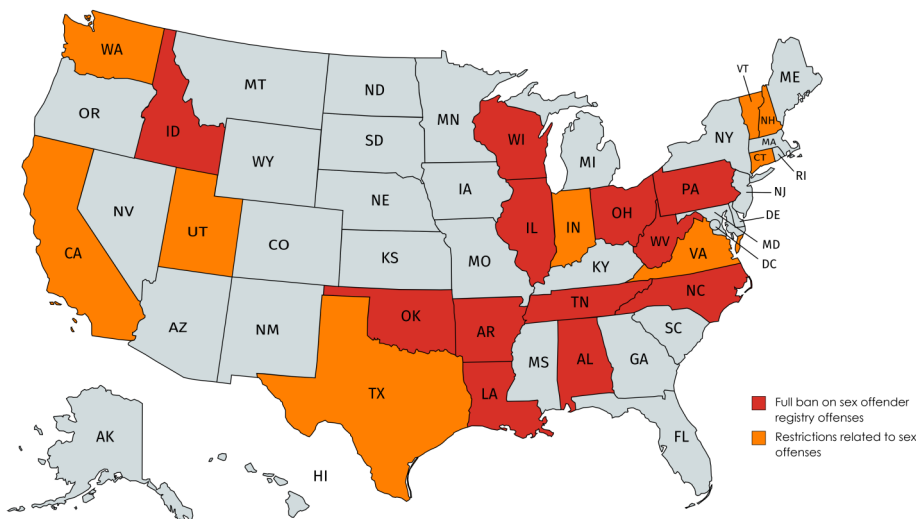
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What's wrong with Illinois's name change laws?

Illinois's name change law is one of the most restrictive in the nation. This has a significant negative impact on trans and gender expansive people, as well as survivors of human trafficking and domestic violence survivors looking to change their names to live safe, authentic lives.



How does Illinois compare to other states?

- Only 21 other states have any restrictions related to sex offense convictions, and only 11 of those have outright bans.
- Only 15 states have bans or temporary waiting periods for petitioners with certain felonies.
- Only 1 other state has a permanent ban on name change for identity theft convictions.
- Only 1 other state requires a common citizen third-party witness.

Meanwhile...

- 26 states plus D.C. do not have any restrictions on name changes for felony convictions.
- 10 states plus D.C. allow for people currently incarcerated to change their names. An additional 5 states allow for people who are incarcerated due to misdemeanor charges to change their names.
- 13 states plus D.C. do not require a publication notice.

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