

1 AN ACT concerning children.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Child Care Act of 1969 is amended by
5 changing Section 12 as follows:

6 (225 ILCS 10/12) (from Ch. 23, par. 2222)

7 Sec. 12. Advertisements.

8 (a) In this Section, "advertise" means communication by any
9 public medium originating or distributed in this State,
10 including, but not limited to, newspapers, periodicals,
11 telephone book listings, outdoor advertising signs, radio, or
12 television.

13 (b) A child care facility or child welfare agency licensed
14 or operating under a permit issued by the Department may
15 publish advertisements for the services that the facility is
16 specifically licensed or issued a permit under this Act to
17 provide. A person, group of persons, agency, association,
18 organization, corporation, institution, center, or group who
19 advertises or causes to be published any advertisement
20 offering, soliciting, or promising to perform adoption
21 services as defined in Section 2.24 of this Act is guilty of a
22 Class A misdemeanor and shall be subject to a fine not to
23 exceed \$10,000 or 9 months imprisonment for each advertisement,

1 unless that person, group of persons, agency, association,
2 organization, corporation, institution, center, or group is
3 (i) licensed or operating under a permit issued by the
4 Department as a child care facility or child welfare agency,
5 (ii) a biological parent or a prospective adoptive parent
6 acting on his or her own behalf, or (iii) a licensed attorney
7 advertising his or her availability to provide legal services
8 relating to adoption, as permitted by law.

9 (c) Every advertisement published after the effective date
10 of this amendatory Act of the 94th General Assembly shall
11 include the Department-issued license number of the facility or
12 agency.

13 (d) Any licensed child welfare agency providing adoption
14 services that, after the effective date of this amendatory Act
15 of the 94th General Assembly, causes to be published an
16 advertisement containing reckless or intentional
17 misrepresentations concerning adoption services or
18 circumstances material to the placement of a child for adoption
19 is guilty of a Class A misdemeanor and is subject to a fine not
20 to exceed \$10,000 or 9 months imprisonment for each
21 advertisement.

22 (e) An out-of-state agency that is not licensed in Illinois
23 and that has a written interagency agreement with one or more
24 Illinois licensed child welfare agencies may advertise under
25 this Section, provided that (i) the out-of-state agency must be
26 officially recognized by the United States Internal Revenue

1 Service as a tax-exempt organization under 501(c)(3) of the
2 Internal Revenue Code of 1986 (or any successor provision of
3 federal tax law), (ii) the out-of-state agency provides only
4 international adoption services and is covered by the
5 Intercountry Adoption Act of 2000, (iii) the out-of-state
6 agency displays, in the advertisement, the license number of at
7 least one of the Illinois licensed child welfare agencies with
8 which it has a written agreement, and (iv) the advertisements
9 pertain only to international adoption services. Subsection
10 (d) of this Section shall apply to any out-of-state agencies
11 described in this subsection (e).

12 (f) An advertiser, publisher, or broadcaster, including,
13 but not limited to, newspapers, periodicals, telephone book
14 publishers, outdoor advertising signs, radio stations, or
15 television stations, who knowingly or recklessly advertises or
16 publishes any advertisement offering, soliciting, or promising
17 to perform adoption services, as defined in Section 2.24 of
18 this Act, on behalf of a person, group of persons, agency,
19 association, organization, corporation, institution, center,
20 or group, not authorized to advertise under subsection (b) or
21 subsection (e) of this Section, is guilty of a Class A
22 misdemeanor and is subject to a fine not to exceed \$10,000 or 9
23 months imprisonment for each advertisement.

24 (g) The Department shall maintain a website listing child
25 welfare agencies licensed by the Department that provide
26 adoption services and other general information for biological

1 parents and adoptive parents. The website shall include, but
2 not be limited to, agency addresses, phone numbers, e-mail
3 addresses, website addresses, annual reports as referenced in
4 Section 7.6 of this Act, agency license numbers, the Birth
5 Parent Bill of Rights, the Adoptive Parents Bill of Rights, and
6 the Department's complaint registry established under Section
7 9.1a of this Act. The Department shall adopt any rules
8 necessary to implement this Section.

9 (h) Nothing in this Act shall prohibit a day care agency,
10 day care center, day care home, or group day care home that
11 does not provide or perform adoption services, as defined in
12 Section 2.24 of this Act, from advertising or marketing the day
13 care agency, day care center, day care home, or group day care
14 home.

15 (Source: P.A. 94-586, eff. 8-15-05.)

16 Section 10. The Abused and Neglected Child Reporting Act is
17 amended by adding Section 7.4a as follows:

18 (325 ILCS 5/7.4a new)

19 Sec. 7.4a. Domestic violence co-location program.

20 (a) As used in this Section:

21 "Domestic violence co-location program" means a program,
22 administered in partnership with a co-location program
23 management entity, where domestic violence advocates who are
24 trained in domestic violence services and employed through a

1 domestic violence provider are assigned to work in a field
2 office of the Department of Children and Family Services
3 alongside and in collaboration with child welfare
4 investigators and caseworkers working with families where
5 there are indicators of domestic violence.

6 "Domestic violence" has the meaning ascribed to it in the
7 Illinois Domestic Violence Act of 1986.

8 "Co-location program management entity" means the
9 organization that partners with the Department to administer
10 the domestic violence co-location program.

11 (b) Subject to appropriations or the availability of other
12 funds for this purpose, the Department may implement a 5-year
13 pilot program of a domestic violence co-location program. The
14 domestic violence co-location program shall be designed to
15 improve child welfare interventions provided to families
16 experiencing domestic violence in part by enhancing the safety
17 and stability of children, reducing the number of children
18 removed from their parents, and improving outcomes for children
19 within their families through a strength-based and
20 trauma-informed collaborative support program. The pilot
21 program shall occur in no fewer than 3 Department offices.
22 Additional sites may be added during the pilot program, and the
23 pilot program may be expanded and converted into a permanent
24 statewide program.

25 (c) The Department shall adopt rules and procedures and
26 shall develop and facilitate training for the effective

1 implementation of the domestic violence co-location program.
2 The Department shall adopt rules on the qualification
3 requirements for domestic violence advocates participating in
4 the pilot program.

5 (d) The Department shall track, collect, report on, and
6 share data about domestic violence-affected families,
7 including, but not limited to, data related to hotline calls,
8 investigations, protective custody, cases referred to the
9 juvenile court, and outcomes of the domestic violence
10 co-location program.

11 (e) The Department may arrange for an independent,
12 evidence-based evaluation of the domestic violence co-location
13 program authorized and implemented under this Section to
14 determine whether it is meeting its goals. The independent
15 evidence-based evaluation may include, but is not limited to,
16 data regarding: (i) the number of children removed from their
17 parents; (ii) the number of children who remain with the
18 non-offending parent; (iii) the number of indicated and
19 unfounded investigative findings and corresponding allegations
20 of maltreatment for the non-offending parent and domestic
21 violence perpetrator; (iv) the number of referrals to the
22 co-located domestic violence advocates; (v) the number of
23 referrals for services; and (vi) the number of months that
24 children remained in foster care whose cases involved the
25 co-located domestic violence advocate.

26 (f) Following the expiration of the 5-year pilot program or

1 prior to the expiration of the pilot program, if there is
2 evidence that the pilot program is effective, the domestic
3 violence co-location program may expand into each county,
4 investigative office of the Department of Children and Family
5 Services, or purchase of service or other contracted private
6 agency delivering intact family or foster care services in
7 Illinois.

8 (g) Nothing in this Section shall be construed to breach
9 the confidentiality protections provided under State law to
10 domestic violence professionals, including co-located domestic
11 violence advocates, in the provision of services to domestic
12 violence victims as employees of domestic violence agencies or
13 to any individual who receives services from domestic violence
14 agencies.

15 Section 15. If and only if House Bill 1785 of the 100th
16 General Assembly becomes law, then the Vital Records Act is
17 amended by changing Section 17 as follows:

18 (410 ILCS 535/17) (from Ch. 111 1/2, par. 73-17)

19 Sec. 17. (1) For a person born in this State, the State
20 Registrar of Vital Records shall establish a new certificate of
21 birth when he receives any of the following:

22 (a) A certificate of adoption as provided in Section 16
23 or a certified copy of the order of adoption together with
24 the information necessary to identify the original

1 certificate of birth and to establish the new certificate
2 of birth; except that a new certificate of birth shall not
3 be established if so requested by the court ordering the
4 adoption, the adoptive parents, or the adopted person.

5 (b) A certificate of adoption or a certified copy of
6 the order of adoption entered in a court of competent
7 jurisdiction of any other state or country declaring
8 adopted a child born in the State of Illinois, together
9 with the information necessary to identify the original
10 certificate of birth and to establish the new certificate
11 of birth; except that a new certificate of birth shall not
12 be established if so requested by the court ordering the
13 adoption, the adoptive parents, or the adopted person.

14 (c) A request that a new certificate be established and
15 such evidence as required by regulation proving that such
16 person has been legitimized, or that the circuit court,
17 the Department of Healthcare and Family Services (formerly
18 Illinois Department of Public Aid), or a court or
19 administrative agency of any other state has established
20 the paternity of such a person by judicial or
21 administrative processes or by voluntary acknowledgment,
22 which is accompanied by the social security numbers of all
23 persons determined and presumed to be the parents.

24 (d) A declaration by a licensed health care
25 professional or licensed mental health professional who
26 has treated or evaluated a person stating that the person

1 has undergone treatment that is clinically appropriate for
2 that individual for the purpose of gender transition, based
3 on contemporary medical standards, or that the individual
4 has an intersex condition, and that the sex designation on
5 such person's birth record should therefore be changed. The
6 information in the declaration shall be proved by the
7 licensed health care professional or licensed mental
8 health professional signing and dating it in substantially
9 the following form: "I declare (or certify, verify, or
10 state) under penalty of perjury that the foregoing is true
11 and correct. Executed on (date)". The new certificate of
12 birth shall reflect any legal name change, so long as the
13 appropriate documentation of the name change is submitted.

14 Each request for a new certificate of birth shall be
15 accompanied by a fee of \$15 and entitles the applicant to one
16 certification or certified copy of the new certificate. If the
17 request is for additional copies, it shall be accompanied by a
18 fee of \$2 for each additional certification or certified copy.

19 (2) When a new certificate of birth is established, the
20 actual place and date of birth shall be shown; provided, in the
21 case of adoption of a person born in this State by parents who
22 were residents of this State at the time of the birth of the
23 adopted person, the place of birth may be shown as the place of
24 residence of the adoptive parents at the time of such person's
25 birth, if specifically requested by them, and any new
26 certificate of birth established prior to the effective date of

1 this amendatory Act may be corrected accordingly if so
2 requested by the adoptive parents or the adopted person when of
3 legal age. The social security numbers of the parents shall not
4 be recorded on the certificate of birth. The social security
5 numbers may only be used for purposes allowed under federal
6 law. The new certificate shall be substituted for the original
7 certificate of birth:

8 (a) Thereafter, the original certificate and the
9 evidence of ~~adoption~~, paternity, legitimation, or change
10 of sex designation shall not be subject to inspection or
11 certification except upon order of the circuit court,
12 request of the person named on the certificate of birth, or
13 as provided by regulation. If the new certificate was
14 issued subsequent to an adoption, then the evidence of
15 adoption is not subject to inspection or certification
16 except upon order of the circuit court or as provided by
17 rule, and the original certificate shall not be subject to
18 inspection until the adopted person has reached the age of
19 21; thereafter, the original certificate shall be made
20 available as provided by Section 18.1b of the Adoption Act,
21 and nothing in this subsection shall impede or prohibit
22 access to the original birth certificate under Section
23 18.1b of the Adoption Act.

24 (b) Upon receipt of notice of annulment of adoption,
25 the original certificate of birth shall be restored to its
26 place in the files, and the new certificate and evidence

1 shall not be subject to inspection or certification except
2 upon order of the circuit court.

3 (3) If no certificate of birth is on file for the person
4 for whom a new certificate is to be established under this
5 Section, a delayed record of birth shall be filed with the
6 State Registrar of Vital Records as provided in Section 14 or
7 Section 15 of this Act before a new certificate of birth is
8 established, except that when the date and place of birth and
9 parentage have been established in the adoption proceedings, a
10 delayed record shall not be required.

11 (4) When a new certificate of birth is established by the
12 State Registrar of Vital Records, all copies of the original
13 certificate of birth in the custody of any custodian of
14 permanent local records in this State shall be transmitted to
15 the State Registrar of Vital Records as directed, and shall be
16 sealed from inspection except as provided by Section 18.1b of
17 the Adoption Act.

18 (5) Nothing in this Section shall be construed to prohibit
19 the amendment of a birth certificate in accordance with
20 subsection (6) of Section 22.

21 (Source: P.A. 97-110, eff. 7-14-11; 100HB1785eng.)

22 Section 99. Effective date. This Act takes effect January
23 1, 2018, except that Section 15 takes effect upon becoming law
24 or on the date House Bill 1785 of the 100th General Assembly
25 takes effect, whichever is later.