



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB4571

by Rep. Sara Feigenholtz

SYNOPSIS AS INTRODUCED:

720 ILCS 525/3	from Ch. 40, par. 1703
720 ILCS 525/4	from Ch. 40, par. 1704
720 ILCS 525/4.1	from Ch. 40, par. 1704.1

Amends the Adoption Compensation Prohibition Act. Provides that the Act shall not be construed to prevent a prospective adoptive parent from giving gifts or other things of value to a biological parent if the total value does not exceed \$200. Provides that a prospective adoptive parent may advance a maximum of \$1,000 for reasonable birth parent living expenses without prior order of court. Provides that the prospective adoptive parents shall present a final accounting of all expenses to the court before the entry of a final judgment order for adoption. Provides that if the court finds an accounting by the prospective adoptive parents to be incomplete or deceptive or to contain unauthorized or unreasonable amounts, the court may order a new accounting or the repayment of amounts found to be excessive or unauthorized or make any other appropriate orders. Provides that a prospective adoptive parent may seek reimbursement of reasonable living expenses from a person who receives such payments only if the person who accepts payment of reasonable living expenses before the child's birth knows that the person on whose behalf he or she is accepting payment is not pregnant at the time of the receipt of such payments or the person receives reimbursement for reasonable living expenses simultaneously from more than one prospective adoptive parent without the knowledge of the prospective adoptive parent. Makes other changes. Effective immediately.

LRB095 14727 RLC 40652 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Adoption Compensation Prohibition Act is
5 amended by changing Sections 3, 4, and 4.1 as follows:

6 (720 ILCS 525/3) (from Ch. 40, par. 1703)

7 Sec. 3. Definitions. As used in this Act:

8 "Adoption services" has the meaning given that term in the
9 Child Care Act of 1969.

10 "Placing out" means to arrange for the free care or
11 placement of a child in a family other than that of the child's
12 parent, stepparent, grandparent, brother, sister, uncle or
13 aunt or legal guardian, for the purpose of adoption or for the
14 purpose of providing care.

15 "Prospective adoptive parent" means a person or persons who
16 have filed or intend to file a petition to adopt a child under
17 the Adoption Act.

18 ~~"Adoption services" has the meaning given that term in the~~
19 ~~Child Care Act of 1969.~~

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

21 (720 ILCS 525/4) (from Ch. 40, par. 1704)

22 Sec. 4. The provisions of this Act shall not be construed

1 to prevent the payment of salaries or other compensation by a
2 licensed child welfare agency providing adoption services, as
3 that term is defined by the Child Care Act of 1969, as now or
4 hereafter amended, to the officers, employees, agents,
5 contractors, or any other persons acting on behalf of the child
6 welfare agency, provided that such salaries and compensation
7 are consistent with subsection (a) of Section 14.5 of the Child
8 Care Act of 1969.

9 The provisions of this Act shall not be construed to
10 prevent the payment by a prospective adoptive parent ~~person~~
11 ~~with whom a child has been placed for adoption~~ of reasonable
12 and actual medical fees or hospital charges for services
13 rendered in connection with the birth of such child, if such
14 payment is made to the physician or hospital who or which
15 rendered the services or to the biological mother of the child
16 or to prevent the receipt of such payment by such physician,
17 hospital, or mother.

18 The provisions of this Act shall not be construed to
19 prevent a prospective adoptive parent from giving a gift or
20 gifts or other thing or things of value to a biological parent
21 provided that the total value of such gift or gifts or thing or
22 things of value does not exceed \$200.

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

24 (720 ILCS 525/4.1) (from Ch. 40, par. 1704.1)

25 Sec. 4.1. Payment of certain expenses.

1 (a) A prospective adoptive parent ~~person or persons who~~
2 ~~have filed or intend to file a petition to adopt a child under~~
3 ~~the Adoption Act~~ shall be permitted to pay the reasonable
4 living expenses of the biological parents of the child sought
5 to be adopted, in addition to those expenses set forth in
6 Section 4, only in accordance with the provisions of this
7 Section.

8 "Reasonable living expenses" means those expenses related
9 to activities of daily living and meeting basic needs,
10 including, but not limited to, lodging, food, and clothing for
11 the biological parents during the biological mother's
12 pregnancy and for no more than 120 days prior to the biological
13 mother's expected date of delivery and for no more than 60 days
14 after the birth of the child. The term does not include
15 expenses for lost wages, gifts, educational expenses, or other
16 similar expenses of the biological parents.

17 (b) (1) The prospective adoptive parents ~~petitioners~~ may
18 seek leave of the court to pay the reasonable living expenses
19 of the biological parents. They shall be permitted to pay the
20 reasonable living expenses of the biological parents only upon
21 prior order of the circuit court where the petition for
22 adoption will be filed, or if the petition for adoption has
23 been filed in the circuit court where the petition is pending.

24 (2) Notwithstanding clause (b)(1) of this Section, a
25 prospective adoptive parent may advance a maximum of \$1,000 for
26 reasonable birth parent living expenses without prior order of

1 court. The prospective adoptive parents shall present a final
2 accounting of all expenses to the court prior to the entry of a
3 final judgment order for adoption.

4 (3) If the court finds an accounting by the prospective
5 adoptive parents to be incomplete or deceptive or to contain
6 amounts which are unauthorized or unreasonable, the court may
7 order a new accounting or the repayment of amounts found to be
8 excessive or unauthorized or make any other orders it deems
9 appropriate.

10 (c) Payments under this Section shall be permitted only in
11 those circumstances where there is a demonstrated need for the
12 payment of such expenses to protect the health of the
13 biological parents or the health of the child sought to be
14 adopted.

15 (d) Payment of their reasonable living expenses, as
16 provided in this Section, shall not obligate the biological
17 parents to place the child for adoption. In the event the
18 biological parents choose not to place the child for adoption,
19 the prospective adoptive parents ~~petitioners~~ shall have no
20 right to seek reimbursement from the biological parents, or
21 from any relative or associate of the biological parents, of
22 moneys paid to, or on behalf of, the biological parents
23 pursuant to a court order under this Section.

24 (d-1) Notwithstanding subsection (d) of this Section, a
25 prospective adoptive parent may seek reimbursement of
26 reasonable living expenses from a person who receives such

1 payments only if the person who accepts payment of reasonable
2 living expenses before the child's birth, as described in
3 subsection (d) of this Section, knows that the person on whose
4 behalf he or she is accepting payment is not pregnant at the
5 time of the receipt of such payments or the person receives
6 reimbursement for reasonable living expenses simultaneously
7 from more than one prospective adoptive parent without the
8 knowledge of the prospective adoptive parent.

9 (d-5) No person or entity shall offer, provide, or co-sign
10 a loan or any other credit accommodation, directly or
11 indirectly, with a biological parent or a relative or associate
12 of a biological parent based on the contingency of a surrender
13 or placement of a child for adoption.

14 (e) Within 14 days after the completion of all payments for
15 reasonable living expenses of the biological parents under this
16 Section, the prospective adoptive parents ~~petitioners~~ shall
17 present a final accounting of all those expenses to the court.
18 ~~The accounting shall include vouchers for all moneys expended,~~
19 ~~copies of all checks written, and receipts for all cash~~
20 ~~payments.~~ The accounting shall also include the verified
21 statements of the prospective adoptive parents ~~petitioners~~,
22 each attorney of record, and the biological parents or parents
23 to whom or on whose behalf the payments were made attesting to
24 the accuracy of the accounting.

25 (f) If the placement of a child for adoption is made in
26 accordance with the Interstate Compact on the Placement of

1 Children, and if the sending state permits the payment of any
2 expenses of biological parents that are not permitted under
3 this Act, then the payment of those expenses shall not be a
4 violation of this Act. In that event, the prospective adoptive
5 parents ~~petitioners~~ shall file an accounting of all payments of
6 the expenses of the biological parent or parents with the court
7 in which the petition for adoption is filed or is to be filed.
8 The accounting shall include a copy of the statutory provisions
9 of the sending state that permit payments in addition to those
10 permitted by this Act and a copy of all orders entered in the
11 sending state that relate to expenses of the biological parents
12 paid by the prospective adoptive parents ~~petitioners~~ in the
13 sending state.

14 (g) The prospective adoptive parents ~~petitioners~~ shall be
15 permitted to pay the reasonable attorney's fees of a ~~the~~
16 biological parent's ~~parents'~~ attorney in connection with
17 proceedings under this Act or in connection with proceedings
18 for the adoption of the child if the amount of fees of the
19 attorney is \$1,000 or less. If the amount of attorney's fees of
20 each biological parent exceeds \$1,000, the ~~The~~ attorney's
21 fees shall be paid only after a petition seeking leave to pay
22 those fees is filed with the court in which the adoption
23 proceeding is filed or to be filed. The court shall review the
24 petition for leave to pay attorney's fees, and if the court
25 determines that the fees requested are reasonable, the court
26 shall permit the petitioners to pay them. If the court

1 determines that the fees requested are not reasonable, the
2 court shall determine and set the reasonable attorney's fees of
3 the biological parents' attorney which may be paid by the
4 petitioners. The prospective adoptive parents shall present a
5 final accounting of all those fees to the court prior to the
6 entry of a final judgment order for adoption.

7 (h) The court may appoint a guardian ad litem for an unborn
8 child to represent the interests of the child in proceedings
9 under this Section.

10 (i) The provisions of this Section apply to a person who is
11 a prospective adoptive parent ~~has filed or intends to file a~~
12 ~~petition to adopt a child under the Adoption Act.~~ This Section
13 does not apply to a licensed child welfare agency, as that term
14 is defined in the Child Care Act of 1969, whose payments are
15 governed by the Child Care Act of 1969 and the Department rules
16 adopted thereunder.

17 (Source: P.A. 93-1063, eff. 6-1-05; 94-586, eff. 8-15-05.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.