

1 AN ACT concerning adoption.

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 Notwithstanding any other rulemaking authority that may
19 exist, neither the Governor nor any agency or agency head under
20 the jurisdiction of the Governor has any authority to make or
21 promulgate rules to implement or enforce the provisions of this
22 amendatory Act of the 95th General Assembly. If, however, the
23 Governor believes that rules are necessary to implement or

1 enforce the provisions of this amendatory Act of the 95th
2 General Assembly, the Governor may suggest rules to the General
3 Assembly by filing them with the Clerk of the House and the
4 Secretary of the Senate and by requesting that the General
5 Assembly authorize such rulemaking by law, enact those
6 suggested rules into law, or take any other appropriate action
7 in the General Assembly's discretion. Nothing contained in this
8 amendatory Act of the 95th General Assembly shall be
9 interpreted to grant rulemaking authority under any other
10 Illinois statute where such authority is not otherwise
11 explicitly given. For the purposes of this Section, "rules" is
12 given the meaning contained in Section 1-70 of the Illinois
13 Administrative Procedure Act, and "agency" and "agency head"
14 are given the meanings contained in Sections 1-20 and 1-25 of
15 the Illinois Administrative Procedure Act to the extent that
16 such definitions apply to agencies or agency heads under the
17 jurisdiction of the Governor.

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
23 to prevent the payment of salaries or other compensation by a
24 licensed child welfare agency providing adoption services, as
25 that term is defined by the Child Care Act of 1969, as now or

1 hereafter amended, to the officers, employees, agents,
2 contractors, or any other persons acting on behalf of the child
3 welfare agency, provided that such salaries and compensation
4 are consistent with subsection (a) of Section 14.5 of the Child
5 Care Act of 1969.

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

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

20 Notwithstanding any other rulemaking authority that may
21 exist, neither the Governor nor any agency or agency head under
22 the jurisdiction of the Governor has any authority to make or
23 promulgate rules to implement or enforce the provisions of this
24 amendatory Act of the 95th General Assembly. If, however, the
25 Governor believes that rules are necessary to implement or
26 enforce the provisions of this amendatory Act of the 95th

1 General Assembly, the Governor may suggest rules to the General
2 Assembly by filing them with the Clerk of the House and the
3 Secretary of the Senate and by requesting that the General
4 Assembly authorize such rulemaking by law, enact those
5 suggested rules into law, or take any other appropriate action
6 in the General Assembly's discretion. Nothing contained in this
7 amendatory Act of the 95th General Assembly shall be
8 interpreted to grant rulemaking authority under any other
9 Illinois statute where such authority is not otherwise
10 explicitly given. For the purposes of this Section, "rules" is
11 given the meaning contained in Section 1-70 of the Illinois
12 Administrative Procedure Act, and "agency" and "agency head"
13 are given the meanings contained in Sections 1-20 and 1-25 of
14 the Illinois Administrative Procedure Act to the extent that
15 such definitions apply to agencies or agency heads under the
16 jurisdiction of the Governor.

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

18 (720 ILCS 525/4.1) (from Ch. 40, par. 1704.1)

19 Sec. 4.1. Payment of certain expenses.

20 (a) A prospective adoptive parent ~~person or persons who~~
21 ~~have filed or intend to file a petition to adopt a child under~~
22 ~~the Adoption Act~~ shall be permitted to pay the reasonable
23 living expenses of the biological parents of the child sought
24 to be adopted, in addition to those expenses set forth in
25 Section 4, only in accordance with the provisions of this

1 Section.

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

11 (b) (1) The prospective adoptive parents ~~petitioners~~ may
12 seek leave of the court to pay the reasonable living expenses
13 of the biological parents. They shall be permitted to pay the
14 reasonable living expenses of the biological parents only upon
15 prior order of the circuit court where the petition for
16 adoption will be filed, or if the petition for adoption has
17 been filed in the circuit court where the petition is pending.

18 (2) Notwithstanding clause (b)(1) of this Section, a
19 prospective adoptive parent may advance a maximum of \$1,000 for
20 reasonable birth parent living expenses without prior order of
21 court. The prospective adoptive parents shall present a final
22 accounting of all expenses to the court prior to the entry of a
23 final judgment order for adoption.

24 (3) If the court finds an accounting by the prospective
25 adoptive parents to be incomplete or deceptive or to contain
26 amounts which are unauthorized or unreasonable, the court may

1 order a new accounting or the repayment of amounts found to be
2 excessive or unauthorized or make any other orders it deems
3 appropriate.

4 (c) Payments under this Section shall be permitted only in
5 those circumstances where there is a demonstrated need for the
6 payment of such expenses to protect the health of the
7 biological parents or the health of the child sought to be
8 adopted.

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

18 (d-1) Notwithstanding subsection (d) of this Section, a
19 prospective adoptive parent may seek reimbursement of
20 reasonable living expenses from a person who receives such
21 payments only if the person who accepts payment of reasonable
22 living expenses before the child's birth, as described in
23 subsection (d) of this Section, knows that the person on whose
24 behalf he or she is accepting payment is not pregnant at the
25 time of the receipt of such payments or the person receives
26 reimbursement for reasonable living expenses simultaneously

1 from more than one prospective adoptive parent without the
2 knowledge of the prospective adoptive parent.

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

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

19 (f) If the placement of a child for adoption is made in
20 accordance with the Interstate Compact on the Placement of
21 Children, and if the sending state permits the payment of any
22 expenses of biological parents that are not permitted under
23 this Act, then the payment of those expenses shall not be a
24 violation of this Act. In that event, the prospective adoptive
25 parents ~~petitioners~~ shall file an accounting of all payments of
26 the expenses of the biological parent or parents with the court

1 in which the petition for adoption is filed or is to be filed.
2 The accounting shall include a copy of the statutory provisions
3 of the sending state that permit payments in addition to those
4 permitted by this Act and a copy of all orders entered in the
5 sending state that relate to expenses of the biological parents
6 paid by the prospective adoptive parents ~~petitioners~~ in the
7 sending state.

8 (g) The prospective adoptive parents ~~petitioners~~ shall be
9 permitted to pay the reasonable attorney's fees of a ~~the~~
10 biological parent's ~~parents'~~ attorney in connection with
11 proceedings under this Act or in connection with proceedings
12 for the adoption of the child if the amount of fees of the
13 attorney is \$1,000 or less. If the amount of attorney's fees of
14 each biological parent exceeds \$1,000, the ~~—The~~ attorney's
15 fees shall be paid only after a petition seeking leave to pay
16 those fees is filed with the court in which the adoption
17 proceeding is filed or to be filed. The court shall review the
18 petition for leave to pay attorney's fees, and if the court
19 determines that the fees requested are reasonable, the court
20 shall permit the petitioners to pay them. If the court
21 determines that the fees requested are not reasonable, the
22 court shall determine and set the reasonable attorney's fees of
23 the biological parents' attorney which may be paid by the
24 petitioners. The prospective adoptive parents shall present a
25 final accounting of all those fees to the court prior to the
26 entry of a final judgment order for adoption.

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

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

11 (j) Notwithstanding any other rulemaking authority that
12 may exist, neither the Governor nor any agency or agency head
13 under the jurisdiction of the Governor has any authority to
14 make or promulgate rules to implement or enforce the provisions
15 of this amendatory Act of the 95th General Assembly. If,
16 however, the Governor believes that rules are necessary to
17 implement or enforce the provisions of this amendatory Act of
18 the 95th General Assembly, the Governor may suggest rules to
19 the General Assembly by filing them with the Clerk of the House
20 and the Secretary of the Senate and by requesting that the
21 General Assembly authorize such rulemaking by law, enact those
22 suggested rules into law, or take any other appropriate action
23 in the General Assembly's discretion. Nothing contained in this
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1 explicitly given. For the purposes of this Section, "rules" is
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3 Administrative Procedure Act, and "agency" and "agency head"
4 are given the meanings contained in Sections 1-20 and 1-25 of
5 the Illinois Administrative Procedure Act to the extent that
6 such definitions apply to agencies or agency heads under the
7 jurisdiction of the Governor.

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

9 Section 10. The Adoption Act is amended by changing Section
10 18.3a as follows:

11 (750 ILCS 50/18.3a) (from Ch. 40, par. 1522.3a)

12 Sec. 18.3a. Confidential intermediary.

13 (a) General purposes. Notwithstanding any other provision
14 of this Act, any adopted or surrendered person 21 years of age
15 or over, any adoptive parent or legal guardian of an adopted or
16 surrendered person under the age of 21, or any birth parent of
17 an adopted or surrendered person who is 21 years of age or over
18 may petition the court in any county in the State of Illinois
19 for appointment of a confidential intermediary as provided in
20 this Section for the purpose of exchanging medical information
21 with one or more mutually consenting biological relatives,
22 obtaining identifying information about one or more mutually
23 consenting biological relatives, or arranging contact with one
24 or more mutually consenting biological relatives.

1 Additionally, in cases where an adopted or surrendered person
2 is deceased, an adult child of the adopted or surrendered
3 person or his or her adoptive parents or surviving spouse may
4 file a petition under this Section and in cases where the birth
5 parent is deceased, an adult birth sibling of the adopted or
6 surrendered person or of the deceased birth parent may file a
7 petition under this Section for the purpose of exchanging
8 medical information with one or more mutually consenting
9 biological relatives of the adopted or surrendered person,
10 obtaining identifying information about one or more mutually
11 consenting biological relatives of the adopted or surrendered
12 person, or arranging contact with one or more mutually
13 consenting biological relatives of the adopted or surrendered
14 person. Beginning January 1, 2006, any adopted or surrendered
15 person 21 years of age or over; any adoptive parent or legal
16 guardian of an adopted or surrendered person under the age of
17 21; any birth parent, birth sibling, birth aunt, or birth uncle
18 of an adopted or surrendered person over the age of 21; any
19 surviving child, adoptive parent, or surviving spouse of a
20 deceased adopted or surrendered person who wishes to petition
21 the court for the appointment of a confidential intermediary
22 shall be required to accompany their petition with proof of
23 registration with the Illinois Adoption Registry and Medical
24 Information Exchange.

25 (b) Petition. Upon petition by an adopted or surrendered
26 person 21 years of age or over, an adoptive parent or legal

1 guardian of an adopted or surrendered person under the age of
2 21, or a birth parent of an adopted or surrendered person who
3 is 21 years of age or over, the court shall appoint a
4 confidential intermediary. Upon petition by an adult child,
5 adoptive parent or surviving spouse of an adopted or
6 surrendered person who is deceased, by an adult birth sibling
7 of an adopted or surrendered person whose common birth parent
8 is deceased and whose adopted or surrendered birth sibling is
9 21 years of age or over, or by an adult sibling of a birth
10 parent who is deceased, and whose surrendered child is 21 years
11 of age or over, the court may appoint a confidential
12 intermediary if the court finds that the disclosure is of
13 greater benefit than nondisclosure. The petition shall state
14 which biological relative or relatives are being sought and
15 shall indicate if the petitioner wants to do any one or more of
16 the following: exchange medical information with the
17 biological relative or relatives, obtain identifying
18 information from the biological relative or relatives, or to
19 arrange contact with the biological relative.

20 (c) Order. The order appointing the confidential
21 intermediary shall allow that intermediary to conduct a search
22 for the sought-after relative by accessing those records
23 described in subsection (g) of this Section.

24 (d) Fees and expenses. The court shall condition the
25 appointment of the confidential intermediary on the
26 petitioner's payment of the intermediary's fees and expenses in

1 advance of the commencement of the work of the confidential
2 intermediary.

3 (e) Eligibility of intermediary. The court may appoint as
4 confidential intermediary any person certified by the
5 Department of Children and Family Services as qualified to
6 serve as a confidential intermediary. Certification shall be
7 dependent upon the confidential intermediary completing a
8 course of training including, but not limited to, applicable
9 federal and State privacy laws.

10 (f) Confidential Intermediary Council. There shall be
11 established under the Department of Children and Family
12 Services a Confidential Intermediary Advisory Council. One
13 member shall be an attorney representing the Attorney General's
14 Office appointed by the Attorney General. One member shall be a
15 currently certified confidential intermediary appointed by the
16 Director of the Department of Children and Family Services. The
17 Director shall also appoint 5 additional members. When making
18 those appointments, the Director shall consider advocates for
19 adopted persons, adoptive parents, birth parents, lawyers who
20 represent clients in private adoptions, lawyers specializing
21 in privacy law, and representatives of agencies involved in
22 adoptions. The Director shall appoint one of the 7 members as
23 the chairperson. An attorney from the Department of Children
24 and Family Services and the person directly responsible for
25 administering the confidential intermediary program shall
26 serve as ex-officio, non-voting advisors to the Council.

1 Council members shall serve at the discretion of the Director
2 and shall receive no compensation other than reasonable
3 expenses approved by the Director. The Council shall meet no
4 less than twice yearly, and shall make recommendations to the
5 Director regarding the development of rules, procedures, and
6 forms that will ensure efficient and effective operation of the
7 confidential intermediary process, including:

8 (1) Standards for certification for confidential
9 intermediaries.

10 (2) Oversight of methods used to verify that
11 intermediaries are complying with the appropriate laws.

12 (3) Training for confidential intermediaries,
13 including training with respect to federal and State
14 privacy laws.

15 (4) The relationship between confidential
16 intermediaries and the court system, including the
17 development of sample orders defining the scope of the
18 intermediaries' access to information.

19 (5) Any recent violations of policy or procedures by
20 confidential intermediaries and remedial steps, including
21 decertification, to prevent future violations.

22 (g) Access. Subject to the limitations of subsection (i)
23 of this Section, the confidential intermediary shall have
24 access to vital records maintained by the Department of Public
25 Health and its local designees for the maintenance of vital
26 records or a comparable public entity that maintains vital

1 records in another state in accordance with that state's laws
2 and all records of the court or any adoption agency, public or
3 private, as limited in this Section, which relate to the
4 adoption or the identity and location of an adopted or
5 surrendered person, of an adult child or surviving spouse of a
6 deceased adopted or surrendered person, or of a birth parent,
7 birth sibling, or the sibling of a deceased birth parent. The
8 confidential intermediary shall not have access to any personal
9 health information protected by the Standards for Privacy of
10 Individually Identifiable Health Information adopted by the
11 U.S. Department of Health and Human Services under the Health
12 Insurance Portability and Accountability Act of 1996 unless the
13 confidential intermediary has obtained written consent from
14 the person whose information is being sought or, if that person
15 is a minor child, that person's parent or guardian.
16 Confidential intermediaries shall be authorized to inspect
17 confidential relinquishment and adoption records. The
18 confidential intermediary shall not be authorized to access
19 medical records, financial records, credit records, banking
20 records, home studies, attorney file records, or other personal
21 records. In cases where a birth parent is being sought, an
22 adoption agency shall inform the confidential intermediary of
23 any statement filed pursuant to Section 18.3, hereinafter
24 referred to as "the 18.3 statement", indicating a desire of the
25 surrendering birth parent to have identifying information
26 shared or to not have identifying information shared. If there

1 was a clear statement of intent by the sought-after birth
2 parent not to have identifying information shared, the
3 confidential intermediary shall discontinue the search and
4 inform the petitioning party of the sought-after relative's
5 intent. Information provided to the confidential intermediary
6 by an adoption agency shall be restricted to the full name,
7 date of birth, place of birth, last known address, last known
8 telephone number of the sought-after relative or, if
9 applicable, of the children or siblings of the sought-after
10 relative, and the 18.3 statement.

11 (h) Adoption agency disclosure of medical information. If
12 the petitioner is an adult adopted or surrendered person or the
13 adoptive parent of a minor and if the petitioner has signed a
14 written authorization to disclose personal medical
15 information, an adoption agency disclosing information to a
16 confidential intermediary shall disclose available medical
17 information about the adopted or surrendered person from birth
18 through adoption.

19 (i) Duties of confidential intermediary in conducting a
20 search. In conducting a search under this Section, the
21 confidential intermediary shall first confirm that there is no
22 Denial of Information Exchange on file with the Illinois
23 Adoption Registry. If the petitioner is an adult child of an
24 adopted or surrendered person who is deceased, the confidential
25 intermediary shall additionally confirm that the adopted or
26 surrendered person did not file a Denial of Information

1 Exchange with the Illinois Adoption Registry during his or her
2 life. If the petitioner is an adult birth sibling of an adopted
3 or surrendered person or an adult sibling of a birth parent who
4 is deceased, the confidential intermediary shall additionally
5 confirm that the birth parent did not file a Denial of
6 Information Exchange with the Registry during his or her life.
7 If the confidential intermediary learns that a sought-after
8 birth parent signed a statement indicating his or her intent
9 not to have identifying information shared, and did not later
10 file an Information Exchange Authorization with the Adoption
11 Registry, the confidential intermediary shall discontinue the
12 search and inform the petitioning party of the birth parent's
13 intent.

14 In conducting a search under this Section, the confidential
15 intermediary shall attempt to locate the relative or relatives
16 from whom the petitioner has requested information. If the
17 sought-after relative is deceased or cannot be located after a
18 diligent search, the confidential intermediary may contact
19 other adult relatives of the sought-after relative.

20 The confidential intermediary shall contact a sought-after
21 relative on behalf of the petitioner in a manner that respects
22 the sought-after relative's privacy and shall inform the
23 sought-after relative of the petitioner's request for medical
24 information, identifying information or contact as stated in
25 the petition. Based upon the terms of the petitioner's request,
26 the confidential intermediary shall contact a sought-after

1 relative on behalf of the petitioner and inform the
2 sought-after relative of the following options:

3 (1) The sought-after relative may totally reject one or
4 all of the requests for medical information, identifying
5 information or contact. The sought-after relative shall be
6 informed that they can provide a medical questionnaire to
7 be forwarded to the petitioner without releasing any
8 identifying information. The confidential intermediary
9 shall inform the petitioner of the sought-after relative's
10 decision to reject the sharing of information or contact.

11 (2) The sought-after relative may consent to
12 completing a medical questionnaire only. In this case, the
13 confidential intermediary shall provide the questionnaire
14 and ask the sought-after relative to complete it. The
15 confidential intermediary shall forward the completed
16 questionnaire to the petitioner and inform the petitioner
17 of the sought-after relative's desire to not provide any
18 additional information.

19 (3) The sought-after relative may communicate with the
20 petitioner without having his or her identity disclosed. In
21 this case, the confidential intermediary shall arrange the
22 desired communication in a manner that protects the
23 identity of the sought-after relative. The confidential
24 intermediary shall inform the petitioner of the
25 sought-after relative's decision to communicate but not
26 disclose his or her identity.

1 (4) The sought after relative may consent to initiate
 2 contact with the petitioner. If both the petitioner and the
 3 sought-after relative or relatives are eligible to
 4 register with the Illinois Adoption Registry, the
 5 confidential intermediary shall provide the necessary
 6 application forms and request that the sought-after
 7 relative register with the Illinois Adoption Registry. If
 8 either the petitioner or the sought-after relative or
 9 relatives are ineligible to register with the Illinois
 10 Adoption Registry, the confidential intermediary shall
 11 obtain written consents from both parties that they wish to
 12 disclose their identities to each other and to have contact
 13 with each other.

14 (j) Oath. The confidential intermediary shall sign an oath
 15 of confidentiality substantially as follows: "I,,
 16 being duly sworn, on oath depose and say: As a condition of
 17 appointment as a confidential intermediary, I affirm that:

18 (1) I will not disclose to the petitioner, directly or
 19 indirectly, any confidential information except in a
 20 manner consistent with the law.

21 (2) I recognize that violation of this oath subjects me
 22 to civil liability and to a potential finding of contempt
 23 of court.

24 SUBSCRIBED AND SWORN to before me, a Notary Public, on (insert
 25 date)

26 "

1 (k) Sanctions.

2 (1) Any confidential intermediary who improperly
3 discloses confidential information identifying a
4 sought-after relative shall be liable to the sought-after
5 relative for damages and may also be found in contempt of
6 court.

7 (2) Any person who learns a sought-after relative's
8 identity, directly or indirectly, through the use of
9 procedures provided in this Section and who improperly
10 discloses information identifying the sought-after
11 relative shall be liable to the sought-after relative for
12 actual damages plus minimum punitive damages of \$10,000.

13 (3) The Department shall fine any confidential
14 intermediary who improperly discloses confidential
15 information in violation of item (1) or (2) of this
16 subsection (k) an amount up to \$2,000 per improper
17 disclosure. This fine does not affect civil liability under
18 item (2) of this subsection (k). The Department shall
19 deposit all fines and penalties collected under this
20 Section into the Illinois Adoption Registry and Medical
21 Information Fund.

22 (l) Death of person being sought. Notwithstanding any other
23 provision of this Act, if the confidential intermediary
24 discovers that the person being sought has died, he or she
25 shall report this fact to the court, along with a copy of the
26 death certificate.

1 (m) Any confidential information obtained by the
2 confidential intermediary during the course of his or her
3 search shall be kept strictly confidential and shall be used
4 for the purpose of arranging contact between the petitioner and
5 the sought-after birth relative. At the time the case is
6 closed, all identifying information shall be returned to the
7 court for inclusion in the impounded adoption file.

8 (n) If the petitioner is an adopted or surrendered person
9 21 years of age or over or the adoptive parent or legal
10 guardian of an adopted or surrendered person under the age of
11 21, any non-identifying information, as defined in Section
12 18.4, that is ascertained during the course of the search may
13 be given in writing to the petitioner at any time during the
14 search before the case is closed.

15 (o) Except as provided in subsection (k) of this Section,
16 no liability shall accrue to the State, any State agency, any
17 judge, any officer or employee of the court, any certified
18 confidential intermediary, or any agency designated to oversee
19 confidential intermediary services for acts, omissions, or
20 efforts made in good faith within the scope of this Section.

21 (p) An adoption agency that has received a request from a
22 confidential intermediary for the full name, date of birth,
23 last known address, or last known telephone number of a
24 sought-after relative pursuant to subsection (g) of Section
25 18.3, or for medical information regarding a sought-after
26 relative pursuant to subsection (h) of Section 18.3, must

1 satisfactorily comply with this court order within a period of
2 45 days. The court shall order the adoption agency to reimburse
3 the petitioner in an amount equal to all payments made by the
4 petitioner to the confidential intermediary, and the adoption
5 agency shall be subject to a civil monetary penalty of \$1,000
6 to be paid to the Department of Children and Family Services.
7 Following the issuance of a court order finding that the
8 adoption agency has not complied with Section 18.3, the
9 adoption agency shall be subject to a monetary penalty of \$500
10 per day for each subsequent day of non-compliance. Proceeds
11 from such fines shall be utilized by the Department of Children
12 and Family Services to subsidize the fees of petitioners as
13 referenced in subsection (d) of this Section.

14 (q) Provide information to eligible petitioner. The
15 confidential intermediary may provide to eligible petitioners
16 as described in subsections (a) and (b) of this Section, the
17 name of the child welfare agency which had legal custody of the
18 surrendered person or responsibility for placing the
19 surrendered person and any available contact information for
20 such agency. In addition, the confidential intermediary may
21 provide to such petitioners the name of the state in which the
22 surrender occurred or in which the adoption was finalized.

23 Any reimbursements and fines, notwithstanding any
24 reimbursement directly to the petitioner, paid under this
25 subsection are in addition to other remedies a court may
26 otherwise impose by law.

1 ~~Proceeds from the penalties paid to the Department of~~
2 ~~Children and Family Services shall be deposited into the DCFS~~
3 ~~Children's Services Fund.~~ The Department of Children and Family
4 Services shall submit reports to the Confidential Intermediary
5 Advisory Council by July 1 and January 1 of each year in order
6 to report the penalties assessed and collected under this
7 subsection, the amounts of related deposits into the DCFS
8 Children's Services Fund, and any expenditures from such
9 deposits.

10 (r) Notwithstanding any other rulemaking authority that
11 may exist, neither the Governor nor any agency or agency head
12 under the jurisdiction of the Governor has any authority to
13 make or promulgate rules to implement or enforce the provisions
14 of this amendatory Act of the 95th General Assembly. If,
15 however, the Governor believes that rules are necessary to
16 implement or enforce the provisions of this amendatory Act of
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18 the General Assembly by filing them with the Clerk of the House
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2 Administrative Procedure Act, and "agency" and "agency head"
3 are given the meanings contained in Sections 1-20 and 1-25 of
4 the Illinois Administrative Procedure Act to the extent that
5 such definitions apply to agencies or agency heads under the
6 jurisdiction of the Governor.

7 (Source: P.A. 93-189, eff. 1-1-04; 94-173, eff. 1-1-06;
8 94-1010, eff. 10-1-06.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.