

AN ACT concerning civil law.

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

Section 5. The Adoption Act is amended by changing Sections 2 and 7 as follows:

(750 ILCS 50/2) (from Ch. 40, par. 1502)

Sec. 2. Who may adopt a child.

A. Any of the following persons, who is under no legal disability (except the minority specified in sub-paragraph (b)) and who has resided in the State of Illinois continuously for a period of at least 6 months immediately preceding the commencement of an adoption proceeding, or any member of the armed forces of the United States who has been domiciled in the State of Illinois for 90 days, may institute such proceeding:

(a) A reputable person of legal age and of either sex, provided that if such person is married or in a civil union and has not been living separate and apart from his or her spouse or civil union partner for 12 months or longer, his or her spouse or civil union partner shall be a party to the adoption proceeding, including a spouse or civil union partner desiring to adopt a child of the other spouse or civil union partner, in all of which cases the adoption shall be by both spouses or civil union partners jointly;

(b) A minor, by leave of court upon good cause shown;~~:-~~

(c) Notwithstanding sub-paragraph (a) of this subsection, a spouse or civil union partner is not required to join in a petition for adoption for the adoption of an adult if a petitioner is a former stepparent of that adult, or to re-adopt a child after an intercountry adoption if the spouse or civil union partner did not previously adopt the child as set forth in subsections (c) and (e) of Section 4.1 of this Act. For purposes of this Section, "former stepparent" means a person who was married to, or in a civil union with, the legal parent of the adult seeking to be adopted, and the marriage or civil union has ended.

B. The residence requirement specified in paragraph A of this Section shall not apply to:

(a) an adoption of a related child;

(a-1) an adoption of a child previously adopted in a foreign country by the petitioner;

(b) an adoption of a child placed by an Illinois-licensed child welfare agency performing adoption services;

(c) an adoption of an adult by a former stepparent; or

(d) an adoption of a child born in this State who has resided continuously in this State since birth, or a child who has continuously resided in this State for at least 6 months immediately preceding the commencement of the

adoption proceeding, if:

(1) an Illinois-licensed child welfare agency performing adoption services has acknowledged a consent or surrender of one or both of the biological or legal parents of the child under this Act and the Child Care Act of 1969; or

(2) an authorized person under Section 10 has acknowledged a consent of one or both of the biological or legal parents of the child and an Illinois-licensed child welfare agency performing adoption services has counseled the biological or legal parent or parents of the child as to the birth parent rights and responsibilities under the Child Care Act of 1969 and the rules adopted thereunder.

C. A person may commence an adoption proceeding for a youth in care only if the youth in care is placed with the petitioning person or persons by the Department of Children and Family Services at the time the petition is filed, and the Department has provided its consent to the adoption or has otherwise approved the adoption.

Nothing in this subsection precludes any rights under Section 15.1 of this Act. The Department shall adopt rules or procedures or both as to what constitutes its approval of the adoption under this subsection.

D. Nothing in this Section overrides the requirements contained in Public Act 94-586.

(Source: P.A. 102-139, eff. 1-1-22; revised 7-24-24.)

(750 ILCS 50/7) (from Ch. 40, par. 1509)

Sec. 7. Process.

A. All persons named in the petition for adoption or standby adoption, other than the petitioners and any party who has previously either denied being a parent pursuant to Section 12a of this Act or whose rights have been terminated pursuant to Section 12a of this Act or under the Juvenile Court Act of 1987, but including the person sought to be adopted, shall be made parties defendant by name, and if the name or names of any such persons are alleged in the petition to be unknown such persons shall be made parties defendant under the name and style of "All whom it may concern". In all such actions petitioner or his attorney shall file, at the office of the clerk of the court in which the action is pending, an affidavit showing that the defendant resides or has gone out of this State, or on due inquiry cannot be found, or is concealed within this State, so that process cannot be served upon him, and stating the place of residence of the defendant, if known, or that upon diligent inquiry his place of residence cannot be ascertained, the clerk shall cause publication to be made in some newspaper published in the county in which the action is pending. If there is no newspaper published in that county, then the publication shall be in a newspaper published in an adjoining county in this State, having a circulation in

the county in which such action is pending. In the event there is service on any of the parties by publication, the publication shall contain notice of pendency of the action, the name of the person to be adopted and the name of the parties to be served by publication, and the date on or after which default may be entered against such parties. Neither the name of petitioners nor the name of any party who has either surrendered said child, has given their consent to the adoption of the child, or whose parental rights have been terminated by a court of competent jurisdiction shall be included in the notice of publication. The Clerk shall also, within 10 ~~ten (10)~~ days of the first publication of the notice, send a copy thereof by mail, addressed to each defendant whose place of residence is stated in such affidavit. The certificate of the Clerk that he sent the copies pursuant to this section is evidence that he has done so. Except as provided in this section pertaining to service by publication, all parties defendant shall be notified of the proceedings in the same manner as is now or may hereafter be required in other civil cases or proceedings, except that service of process need not be directed to a minor defendant under 14 years of age for whom a guardian ad litem has been or will be appointed pursuant to paragraph (a) of subsection B of Section 13 of this Act. Nothing in the provisions of the preceding sentence stating that service of process need not be directed to a minor defendant under 14 years of age for whom a guardian ad litem

has been or will be appointed is intended to override any provision of this Act which relates to information to which an adopted person is entitled under Section 18.1 of this Act. Any party defendant who is of age of 14 years or upward may waive service of process by entering an appearance in writing. The form to be used for publication shall be substantially as follows: "ADOPTION NOTICE - STATE OF ILLINOIS, County of, ss. - Circuit Court of County. In the matter of the Petition for the Adoption of, a ..male child. Adoption No. To-- (whom it may concern or the named parent) Take notice that a petition was filed in the Circuit Court of County, Illinois, for the adoption of a child named Now, therefore, unless you, and all whom it may concern, file your answer to the Petition in the action or otherwise file your appearance therein, in the said Circuit Court of, County, Room,, in the City of, Illinois, on or before the day of, a default may be entered against you at any time after that day and a judgment entered in accordance with the prayer of said Petition. Dated,, Illinois,, Clerk. (Name and address of attorney for petitioners.)

B. A minor defendant who has been served in accordance with this Section may be defaulted in the same manner as any other defendant.

C. Notwithstanding any inconsistent provision of this or any other law, and in addition to the notice requirements of

any law pertaining to persons other than those specified in this subsection, the persons entitled to notice that a petition has been filed under Section 5 of this Act shall include:

(a) any person who at the time of the filing of the petition is adjudicated by a court in this State to be the father of the child, unless a court of competent jurisdiction has terminated the person's parental rights;

(b) any person who at the time of the filing of the petition is adjudicated by a court of another state or territory of the United States to be the father of the child, when a certified copy of the court order has been filed with the Putative Father Registry under Section 12.1 of this Act, unless a court of competent jurisdiction has terminated the person's parental rights;

(c) any person who at the time of the filing of the petition is registered in the Putative Father Registry under Section 12.1 of this Act as the putative father of the child, unless a court of competent jurisdiction has determined that the person is not the parent of the child or has terminated the person's parental rights;

(d) any person who is recorded on the child's birth certificate as the child's parent, unless a court of competent jurisdiction has determined the person is not the parent of the child or has terminated the person's parental rights ~~father~~;

(e) any person who is openly living with the child or the child's mother at the time the proceeding is initiated and ~~who~~ holds out the child as that person's child, unless a court of competent jurisdiction has determined the person is not the parent of the child or has terminated the person's parental rights ~~is holding himself out to be the child's father;~~

(f) any person who has been identified as the child's parent ~~father~~ by the mother in a written, sworn statement, including an Affidavit of Identification as specified under Section 11 of this Act, unless a court of competent jurisdiction has determined the person is not the parent of the child or has terminated the person's parental rights;

(g) any person who was married to the child's mother on the date of the child's birth or within 300 days prior to the child's birth, unless a court of competent jurisdiction has determined the person is not the parent of the child or has terminated the person's parental rights.

The sole purpose of notice under this Section shall be to enable the person receiving notice to appear in the adoption proceedings to present evidence to the court relevant to whether the consent or surrender of the person to the adoption is required pursuant to Section 8 of this Act. If the court determines that the consent or surrender of the person is not

required pursuant to Section 8, then the person shall not be entitled to participate in the proceedings or to any further notice of the proceedings.

(Source: P.A. 97-988, eff. 1-1-13.)

Section 98. Applicability. This Act applies only to petitions filed on or after its effective date.

Section 99. Effective date. This Act takes effect January 1, 2026.