

104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB0103

Introduced 1/17/2025, by Sen. Sara Feigenholtz

SYNOPSIS AS INTRODUCED:

750 ILCS 50/2
750 ILCS 50/7

from Ch. 40, par. 1502
from Ch. 40, par. 1509

Amends the Adoption Act. Provides that 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. Requires the Department to adopt rules or procedures or both as to what constitutes its approval of the adoption. Provides that a person whose rights have been terminated under the Juvenile Court Act of 1987 does not have to be made a defendant in a petition for adoption. Provides that the following persons must be given notice of a petition for adoption unless the person has been determined not to be a parent of the child or has had parental rights terminated by a court of competent jurisdiction: (i) any person who is recorded on the child's birth certificate as the child's parent; (ii) any person who is openly living with the child or the child's mother at the time the proceeding is initiated and holds out the child as that person's child; (iii) any person who has been identified as the child's parent by the mother in a written, sworn statement, including an Affidavit of Identification; or (iv) any person who was married to the child's mother on the date of the child's birth or within 300 days before the child's birth, unless that person has been determined not to be the parent of the child or has had parental rights terminated by a court of competent jurisdiction.

LRB104 05884 JRC 15915 b

1 AN ACT concerning civil law.

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

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

6 (750 ILCS 50/2) (from Ch. 40, par. 1502)

7 Sec. 2. Who may adopt a child.

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

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

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

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

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

16 (a) an adoption of a related child;

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

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

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

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

1 adoption proceeding, if:

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

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

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

21 The Department shall adopt rules or procedures or both as
22 to what constitutes its approval of the adoption under this
23 subsection.

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

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

1 (750 ILCS 50/7) (from Ch. 40, par. 1509)

2 Sec. 7. Process.

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

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

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

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

24 C. Notwithstanding any inconsistent provision of this or
25 any other law, and in addition to the notice requirements of
26 any law pertaining to persons other than those specified in

1 this subsection, the persons entitled to notice that a
2 petition has been filed under Section 5 of this Act shall
3 include:

4 (a) any person adjudicated by a court in this State to
5 be the father of the child;

6 (b) any person adjudicated by a court of another state
7 or territory of the United States to be the father of the
8 child, when a certified copy of the court order has been
9 filed with the Putative Father Registry under Section 12.1
10 of this Act;

11 (c) any person who at the time of the filing of the
12 petition is registered in the Putative Father Registry
13 under Section 12.1 of this Act as the putative father of
14 the child;

15 (d) any person who is recorded on the child's birth
16 certificate as the child's parent, unless that person has
17 been determined not to be the parent of the child or has
18 had parental rights terminated by a court of competent
19 jurisdiction ~~father;~~

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

1 (f) any person who has been identified as the child's
2 parent ~~father~~ by the mother in a written, sworn statement,
3 including an Affidavit of Identification as specified
4 under Section 11 of this Act, unless that person has been
5 determined not to be the parent of the child or has had
6 parental rights terminated by a court of competent
7 jurisdiction;

8 (g) any person who was married to the child's mother
9 on the date of the child's birth or within 300 days prior
10 to the child's birth, unless that person has been
11 determined not to be the parent of the child or has had
12 parental rights terminated by a court of competent
13 jurisdiction.

14 The sole purpose of notice under this Section shall be to
15 enable the person receiving notice to appear in the adoption
16 proceedings to present evidence to the court relevant to
17 whether the consent or surrender of the person to the adoption
18 is required pursuant to Section 8 of this Act. If the court
19 determines that the consent or surrender of the person is not
20 required pursuant to Section 8, then the person shall not be
21 entitled to participate in the proceedings or to any further
22 notice of the proceedings.

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