

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

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

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

2 (750 ILCS 50/7) (from Ch. 40, par. 1509)

3 Sec. 7. Process.

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

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

1 has been or will be appointed is intended to override any  
2 provision of this Act which relates to information to which an  
3 adopted person is entitled under Section 18.1 of this Act. Any  
4 party defendant who is of age of 14 years or upward may waive  
5 service of process by entering an appearance in writing. The  
6 form to be used for publication shall be substantially as  
7 follows: "ADOPTION NOTICE - STATE OF ILLINOIS, County of .....,  
8 ss. - Circuit Court of ..... County. In the matter of the  
9 Petition for the Adoption of ....., a ..male child. Adoption  
10 No. .... To-- ..... (whom it may concern or the named parent)  
11 Take notice that a petition was filed in the Circuit Court of  
12 ..... County, Illinois, for the adoption of a child named .....

13 Now, therefore, unless you ....., and all whom it may concern,  
14 file your answer to the Petition in the action or otherwise  
15 file your appearance therein, in the said Circuit Court of  
16 ....., County, Room ....., ....., in the City of ....., Illinois,  
17 on or before the .... day of ....., a default may be entered  
18 against you at any time after that day and a judgment entered  
19 in accordance with the prayer of said Petition. Dated, .....,  
20 Illinois, .... ....., Clerk. (Name and address of attorney for  
21 petitioners.)

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

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

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

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

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

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

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

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

1 ~~child's father;~~

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

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

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

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

25 Section 99. Effective date. This Section and the changes  
26 made to Section 2 of the Adoption Act take effect upon becoming

1 law.