



Rep. Ann M. Williams

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LRB104 05884 JRC 25495 a

1 AMENDMENT TO SENATE BILL 103

2 AMENDMENT NO. _____. Amend Senate Bill 103 by replacing
3 everything after the enacting clause with the following:

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

1 and has not been living separate and apart from his or her
2 spouse or civil union partner for 12 months or longer, his
3 or her spouse or civil union partner shall be a party to
4 the adoption proceeding, including a spouse or civil union
5 partner desiring to adopt a child of the other spouse or
6 civil union partner, in all of which cases the adoption
7 shall be by both spouses or civil union partners jointly;

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

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

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

23 (a) an adoption of a related child;

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

26 (b) an adoption of a child placed by an

1 Illinois-licensed child welfare agency performing adoption
2 services;

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

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

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

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

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

1 otherwise approved the adoption.

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

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

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

9 (750 ILCS 50/7) (from Ch. 40, par. 1509)

10 Sec. 7. Process.

11 A. All persons named in the petition for adoption or
12 standby adoption, other than the petitioners and any party who
13 has previously either denied being a parent pursuant to
14 Section 12a of this Act or whose rights have been terminated
15 pursuant to Section 12a of this Act or under the Juvenile Court
16 Act of 1987, but including the person sought to be adopted,
17 shall be made parties defendant by name, and if the name or
18 names of any such persons are alleged in the petition to be
19 unknown such persons shall be made parties defendant under the
20 name and style of "All whom it may concern". In all such
21 actions petitioner or his attorney shall file, at the office
22 of the clerk of the court in which the action is pending, an
23 affidavit showing that the defendant resides or has gone out
24 of this State, or on due inquiry cannot be found, or is
25 concealed within this State, so that process cannot be served

1 upon him, and stating the place of residence of the defendant,
2 if known, or that upon diligent inquiry his place of residence
3 cannot be ascertained, the clerk shall cause publication to be
4 made in some newspaper published in the county in which the
5 action is pending. If there is no newspaper published in that
6 county, then the publication shall be in a newspaper published
7 in an adjoining county in this State, having a circulation in
8 the county in which such action is pending. In the event there
9 is service on any of the parties by publication, the
10 publication shall contain notice of pendency of the action,
11 the name of the person to be adopted and the name of the
12 parties to be served by publication, and the date on or after
13 which default may be entered against such parties. Neither the
14 name of petitioners nor the name of any party who has either
15 surrendered said child, has given their consent to the
16 adoption of the child, or whose parental rights have been
17 terminated by a court of competent jurisdiction shall be
18 included in the notice of publication. The Clerk shall also,
19 within 10 ~~ten (10)~~ days of the first publication of the notice,
20 send a copy thereof by mail, addressed to each defendant whose
21 place of residence is stated in such affidavit. The
22 certificate of the Clerk that he sent the copies pursuant to
23 this section is evidence that he has done so. Except as
24 provided in this section pertaining to service by publication,
25 all parties defendant shall be notified of the proceedings in
26 the same manner as is now or may hereafter be required in other

1 civil cases or proceedings, except that service of process
2 need not be directed to a minor defendant under 14 years of age
3 for whom a guardian ad litem has been or will be appointed
4 pursuant to paragraph (a) of subsection B of Section 13 of this
5 Act. Nothing in the provisions of the preceding sentence
6 stating that service of process need not be directed to a minor
7 defendant under 14 years of age for whom a guardian ad litem
8 has been or will be appointed is intended to override any
9 provision of this Act which relates to information to which an
10 adopted person is entitled under Section 18.1 of this Act. Any
11 party defendant who is of age of 14 years or upward may waive
12 service of process by entering an appearance in writing. The
13 form to be used for publication shall be substantially as
14 follows: "ADOPTION NOTICE - STATE OF ILLINOIS, County of,
15 ss. - Circuit Court of County. In the matter of the
16 Petition for the Adoption of, a ..male child. Adoption
17 No. To-- (whom it may concern or the named parent)
18 Take notice that a petition was filed in the Circuit Court of
19 County, Illinois, for the adoption of a child named,
20 Now, therefore, unless you, and all whom it may concern,
21 file your answer to the Petition in the action or otherwise
22 file your appearance therein, in the said Circuit Court of
23, County, Room,, in the City of, Illinois,
24 on or before the day of, a default may be entered
25 against you at any time after that day and a judgment entered
26 in accordance with the prayer of said Petition. Dated,,

1 Illinois,, Clerk. (Name and address of attorney for
2 petitioners.)

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

6 C. Notwithstanding any inconsistent provision of this or
7 any other law, and in addition to the notice requirements of
8 any law pertaining to persons other than those specified in
9 this subsection, the persons entitled to notice that a
10 petition has been filed under Section 5 of this Act shall
11 include:

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

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

23 (c) any person who at the time of the filing of the
24 petition is registered in the Putative Father Registry
25 under Section 12.1 of this Act as the putative father of
26 the child, unless a court of competent jurisdiction has

1 determined that the person is not the parent of the child
2 or has terminated the person's parental rights;

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

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

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

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

1 rights.

2 The sole purpose of notice under this Section shall be to
3 enable the person receiving notice to appear in the adoption
4 proceedings to present evidence to the court relevant to
5 whether the consent or surrender of the person to the adoption
6 is required pursuant to Section 8 of this Act. If the court
7 determines that the consent or surrender of the person is not
8 required pursuant to Section 8, then the person shall not be
9 entitled to participate in the proceedings or to any further
10 notice of the proceedings.

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

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

14 Section 99. Effective date. This Act takes effect January
15 1, 2026."