



Sen. Sara Feigenholtz

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LRB104 05884 JRC 23012 a

1 AMENDMENT TO SENATE BILL 103

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 103, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

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

7 (750 ILCS 50/2) (from Ch. 40, par. 1502)

8 Sec. 2. Who may adopt a child.

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

16 (a) A reputable person of legal age and of either sex,

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

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

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

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

24 (a) an adoption of a related child;

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

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

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

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

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

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

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

1 Department has provided its consent to the adoption or has  
2 otherwise approved the adoption.

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

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

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

10 (750 ILCS 50/7) (from Ch. 40, par. 1509)

11 Sec. 7. Process.

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

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

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

1 in accordance with the prayer of said Petition. Dated, . . . . ,  
2 Illinois, . . . . . , Clerk. (Name and address of attorney for  
3 petitioners.)

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

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

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

15 (b) any person adjudicated by a court of another state  
16 or territory of the United States to be the father of the  
17 child, when a certified copy of the court order has been  
18 filed with the Putative Father Registry under Section 12.1  
19 of this Act;

20 (c) any person who at the time of the filing of the  
21 petition is registered in the Putative Father Registry  
22 under Section 12.1 of this Act as the putative father of  
23 the child;

24 (d) any person who is recorded on the child's birth  
25 certificate as the child's parent, unless a court of  
26 competent jurisdiction has determined the person is not

1        the parent of the child or has terminated the person's  
2        parental rights ~~father~~;

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

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

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

23        The sole purpose of notice under this Section shall be to  
24        enable the person receiving notice to appear in the adoption  
25        proceedings to present evidence to the court relevant to  
26        whether the consent or surrender of the person to the adoption

1 is required pursuant to Section 8 of this Act. If the court  
2 determines that the consent or surrender of the person is not  
3 required pursuant to Section 8, then the person shall not be  
4 entitled to participate in the proceedings or to any further  
5 notice of the proceedings.

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

7 Section 99. Effective date. This Section and the changes  
8 made to Section 2 of the Adoption Act take effect upon becoming  
9 law."