

**SB3706**



**104TH GENERAL ASSEMBLY**

**State of Illinois**

**2025 and 2026**

**SB3706**

Introduced 2/5/2026, by Sen. Sara Feigenholtz

**SYNOPSIS AS INTRODUCED:**

750 ILCS 50/18.3a

from Ch. 40, par. 1522.3a

Amends the Adoption Act. Provides that the surviving adult children, adult grandchildren, or surviving spouse of a deceased adopted or surrendered person born in Illinois before January 1, 1946, may petition the court for the appointment of a confidential intermediary for purposes of obtaining all records of the court relating to the adoption that constitute the adoption file. Provides that if such a petition is filed, the court may appoint a confidential intermediary under the Act and release the adoption file.

LRB104 20671 JRC 34170 b

**A BILL FOR**

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 Section  
5 18.3a as follows:

6 (750 ILCS 50/18.3a) (from Ch. 40, par. 1522.3a)

7 Sec. 18.3a. Confidential intermediary.

8 (a) General purposes. Notwithstanding any other provision  
9 of this Act,

10 (1) any adopted or surrendered person 21 years of age  
11 or over; or

12 (2) any adoptive parent or legal guardian of an  
13 adopted or surrendered person under the age of 21; or

14 (3) any birth parent of an adopted or surrendered  
15 person who is 21 years of age or over; or

16 (4) any adult child or adult grandchild of a deceased  
17 adopted or surrendered person; or

18 (5) any adoptive parent or surviving spouse of a  
19 deceased adopted or surrendered person; or

20 (6) any adult birth sibling of the adult adopted or  
21 surrendered person unless the birth parent has checked  
22 Option E on the Birth Parent Preference Form or has filed a  
23 Denial of Information Exchange with the Registry and is

1 not deceased; or

2 (7) any adult adopted birth sibling of an adult  
3 adopted or surrendered person; or

4 (8) any adult birth sibling of the birth parent if the  
5 birth parent is deceased; or

6 (9) any birth grandparent

7 may petition the court in any county in the State of Illinois  
8 for appointment of a confidential intermediary as provided in  
9 this Section for the purpose of exchanging medical information  
10 with one or more mutually consenting biological relatives,  
11 obtaining identifying information about one or more mutually  
12 consenting biological relatives, or arranging contact with one  
13 or more mutually consenting biological relatives. The  
14 petitioner shall be required to accompany his or her petition  
15 with proof of registration with the Illinois Adoption Registry  
16 and Medical Information Exchange.

17 (a-4) The adoptive parent or legal guardian of an adopted  
18 or surrendered person under the age of 21 may also petition the  
19 court for the appointment of a confidential intermediary for  
20 purposes of obtaining identifying information or arranging  
21 contact with a mutually consenting adoptive parent or legal  
22 guardian of a birth sibling of the petitioner's adopted or  
23 surrendered child under the age of 21.

24 (a-5) In addition, any former youth in care as defined in  
25 Section 4d of the Children and Family Services Act who was  
26 adopted or surrendered may petition the court in any county in

1 the State for appointment of a confidential intermediary as  
2 provided in this Section for the purposes of obtaining  
3 identifying information or arranging contact with (i) siblings  
4 or birth relatives if the former youth in care is between the  
5 ages of 18 and 21 or (ii) former foster parents or foster  
6 siblings if the former youth in care is over the age of 18. A  
7 petitioner under this subsection is not required to register  
8 with the Illinois Adoption Registry and Medical Information  
9 Exchange.

10 (b) Petition. Upon petition, the court shall appoint a  
11 confidential intermediary. The petition shall indicate if the  
12 petitioner wants to do any one or more of the following as to  
13 the sought-after relative or relatives: exchange medical  
14 information with the biological relative or relatives, obtain  
15 identifying information from the biological relative or  
16 relatives, or to arrange contact with the biological relative.

17 (c) Order. The order appointing the confidential  
18 intermediary shall allow that intermediary to conduct a search  
19 for the sought-after relative by accessing those records  
20 described in subsection (g) of this Section.

21 (d) Fees and expenses. The court shall not condition the  
22 appointment of the confidential intermediary on the payment of  
23 the intermediary's fees and expenses in advance of the  
24 commencement of the work of the confidential intermediary. No  
25 fee shall be charged to any petitioner.

26 (e) Eligibility of intermediary. The court may appoint as

1 confidential intermediary any person certified by the  
2 Department of Children and Family Services as qualified to  
3 serve as a confidential intermediary. Certification shall be  
4 dependent upon the confidential intermediary completing a  
5 course of training including, but not limited to, applicable  
6 federal and State privacy laws.

7 (f) (Blank).

8 (g) Confidential intermediary access to information.  
9 Subject to the limitations of subsection (i) of this Section,  
10 the confidential intermediary shall have access to vital  
11 records maintained by the Department of Public Health and its  
12 local designees for the maintenance of vital records, or a  
13 comparable public entity that maintains vital records in  
14 another state in accordance with that state's laws, and all  
15 records of the court or any adoption agency, public or  
16 private, as limited in this Section, which relate to the  
17 adoption or the identity and location of an adopted or  
18 surrendered person, of an adult child or surviving spouse of a  
19 deceased adopted or surrendered person, or of a birth parent,  
20 birth sibling, or the sibling of a deceased birth parent. The  
21 confidential intermediary shall not have access to any  
22 personal health information protected by the Standards for  
23 Privacy of Individually Identifiable Health Information  
24 adopted by the U.S. Department of Health and Human Services  
25 under the Health Insurance Portability and Accountability Act  
26 of 1996 unless the confidential intermediary has obtained

1 written consent from the person whose information is being  
2 sought by an adult adopted or surrendered person or, if that  
3 person is a minor child, that person's parent or guardian.  
4 Confidential intermediaries shall be authorized to inspect  
5 confidential relinquishment and adoption records. The  
6 confidential intermediary shall not be authorized to access  
7 medical records, financial records, credit records, banking  
8 records, home studies, attorney file records, or other  
9 personal records. In cases where a birth parent is being  
10 sought, an adoption agency shall inform the confidential  
11 intermediary of any statement filed pursuant to Section 18.3,  
12 hereinafter referred to as "the 18.3 statement", indicating a  
13 desire of the surrendering birth parent to have identifying  
14 information shared or to not have identifying information  
15 shared. Information provided to the confidential intermediary  
16 by an adoption agency shall be restricted to the full name,  
17 date of birth, place of birth, last known address, last known  
18 telephone number of the sought-after relative or, if  
19 applicable, of the children or siblings of the sought-after  
20 relative, and the 18.3 statement. If the petitioner is an  
21 adult adopted or surrendered person or the adoptive parent of  
22 a minor and if the petitioner has signed a written  
23 authorization to disclose personal medical information, an  
24 adoption agency disclosing information to a confidential  
25 intermediary shall disclose available medical information  
26 about the adopted or surrendered person from birth through

1 adoption.

2 (h) Missing or lost original birth certificate; remedy.  
3 Disclosure of information by the confidential intermediary  
4 shall be consistent with the public policy and intent of laws  
5 granting original birth certificate access as expressed in  
6 Section 18.04 of this Act. The confidential intermediary shall  
7 comply with the following procedures in disclosing information  
8 to the petitioners:

9 (1) If the petitioner is an adult adopted or  
10 surrendered person, or the adult child, adult grandchild,  
11 or surviving spouse of a deceased adopted or surrendered  
12 person, the confidential intermediary shall disclose:

13 (A) identifying information about the birth parent  
14 of the adopted person and about the adult adopted or  
15 surrendered person, which, in the ordinary course of  
16 business, would have been reflected on the original  
17 filed certificate of birth, as of the date of birth,  
18 only if:

19 (i) the adopted person was born before January  
20 1, 1946 and the petitioner has requested a  
21 non-certified copy of the adopted person's  
22 original birth certificate under Section 18.1 of  
23 this Act, and the Illinois Department of Public  
24 Health has issued a certification that the  
25 original birth certificate was not found, or the  
26 petitioner has presented the confidential

1 intermediary with the non-certified copy of the  
2 original birth certificate which omits the name of  
3 the birth parent;

4 (ii) the adopted person was born after January  
5 1, 1946, and the petitioner has requested a  
6 non-certified copy of the adopted person's  
7 original birth certificate under Section 18.1 of  
8 this Act and the Illinois Department of Public  
9 Health has issued a certification that the  
10 original birth certificate was not found.

11 In providing information pursuant to this  
12 subdivision (h)(1)(A), the confidential intermediary  
13 shall expressly inform the petitioner in writing that  
14 since the identifying information is not from an  
15 official original certificate of birth filed pursuant  
16 to the Vital Records Act, the confidential  
17 intermediary cannot attest to the complete accuracy of  
18 the information and the confidential intermediary  
19 shall not be liable if the information disclosed is  
20 not accurate. Only information from the court files  
21 shall be provided to the petitioner in this Section.  
22 If the identifying information concerning a birth  
23 father is sought by the petitioner, the confidential  
24 intermediary shall disclose only the identifying  
25 information of the birth father as defined in Section  
26 18.06 of this Act;

1 (B) the name of the child welfare agency which had  
2 legal custody of the surrendered person or  
3 responsibility for placing the surrendered person and  
4 any available contact information for such agency;

5 (C) the name of the state in which the surrender  
6 occurred and ~~or~~ in which the adoption was finalized;  
7 and

8 (D) any information for which the sought-after  
9 relative has provided his or her consent to disclose  
10 under paragraphs (1) through (4) of subsection (i) of  
11 this Section.

12 (2) If the petitioner is an adult adopted or  
13 surrendered person, or the adoptive parent of an adult  
14 adopted or surrendered person under the age of 21, or the  
15 adoptive parent of a deceased adopted or surrendered  
16 person, or the adult child or grandchild of a deceased  
17 adopted or surrendered person, the confidential  
18 intermediary shall provide, in addition to the information  
19 listed in paragraph (1) of this subsection (h):

20 (A) subject to subsection (g), any information  
21 which the adoption agency provides pursuant to  
22 subsection (i) of this Section pertaining to medical  
23 information about the adopted or surrendered person;  
24 and

25 (B) any non-identifying information, as defined in  
26 Section 18.4 of this Act, that is obtained during the

1 search;—

2 (C) the name of the child welfare agency which had  
3 legal custody of the surrendered person or  
4 responsibility for placing the surrendered person and  
5 any available contact information for such agency; and

6 (D) the name of the state in which the surrender  
7 occurred and in which the adoption was finalized.

8 (3) If the petitioner is not defined in paragraph (1)  
9 or (2) of this subsection, the confidential intermediary  
10 shall provide to the petitioner:

11 (A) any information for which the sought-after  
12 relative has provided his or her consent under  
13 paragraphs (1) through (4) of subsection (i) of this  
14 Section;

15 (B) the name of the child welfare agency which had  
16 legal custody of the surrendered person or  
17 responsibility for placing the surrendered person and  
18 any available contact information for such agency; and

19 (C) the name of the state in which the surrender  
20 occurred or in which the adoption was finalized.

21 (h-5) Disclosure of information shall be made by the  
22 confidential intermediary at any time from the appointment of  
23 the confidential intermediary and the court's issuance of an  
24 order of dismissal.

25 (h-6) Disclosure of non-identifying information.

26 (1) If the petitioner is an adult adopted or

1 surrendered person, or the adoptive parent of an adult  
2 adopted or surrendered person under the age of 21, or the  
3 adoptive parent of a deceased adopted or surrendered  
4 person, or the adult child or grandchild of a deceased  
5 adopted or surrendered person, the confidential  
6 intermediary shall provide:

7 (A) subject to subsection (g), any information  
8 which the adoption agency provides in accordance with  
9 subsection (i) pertaining to medical information about  
10 the adopted or surrendered person;

11 (B) any non-identifying information, as defined in  
12 Section 18.4 of this Act, that is obtained during the  
13 search;

14 (C) the name of the child welfare agency which had  
15 legal custody of the surrendered person or  
16 responsibility for placing the surrendered person and  
17 any available contact information for such agency; and

18 (D) the name of the state in which the surrender  
19 occurred and in which the adoption was finalized.

20 (2) If the petitioner is not defined in paragraph (1),  
21 the confidential intermediary shall provide to the  
22 petitioner:

23 (A) any information for which the sought-after  
24 relative has provided his or her consent under  
25 paragraphs (1) through (4) of subsection (i) of this  
26 Section;

1           (B) the name of the child welfare agency which had  
2           legal custody of the surrendered person or  
3           responsibility for placing the surrendered person and  
4           any available contact information for such agency; and  
5           (C) the name of the state in which the surrender  
6           occurred and in which the adoption was finalized.

7           (i) Duties of confidential intermediary in conducting a  
8 search. In conducting a search under this Section, the  
9 confidential intermediary shall first determine whether there  
10 is a Denial of Information Exchange or a Birth Parent  
11 Preference Form with Option E selected or an 18.3 statement  
12 referenced in subsection (g) of this Section on file with the  
13 Illinois Adoption Registry. If there is a denial, the Birth  
14 Parent Preference Form on file with the Registry and the birth  
15 parent who completed the form selected Option E, or if there is  
16 an 18.3 statement indicating the birth parent's intent not to  
17 have identifying information shared and the birth parent did  
18 not later file an Information Exchange Authorization with the  
19 Registry, the confidential intermediary must discontinue the  
20 search unless 5 years or more have elapsed since the execution  
21 of the Denial of Information Exchange, Birth Parent Preference  
22 Form, or the 18.3 statement. If a birth parent was previously  
23 the subject of a search through the State confidential  
24 intermediary program, the confidential intermediary shall  
25 inform the petitioner of the need to discontinue the search  
26 until 10 years or more have elapsed since the initial search

1 was closed. In cases where a birth parent has been the object  
2 of 2 searches through the State confidential intermediary  
3 program, no subsequent search for the birth parent shall be  
4 authorized absent a court order to the contrary.

5 In conducting a search under this Section, the  
6 confidential intermediary shall attempt to locate the relative  
7 or relatives from whom the petitioner has requested  
8 information. If the sought-after relative is deceased or  
9 cannot be located after a diligent search, the confidential  
10 intermediary may contact other adult relatives of the  
11 sought-after relative.

12 The confidential intermediary shall contact a sought-after  
13 relative on behalf of the petitioner in a manner that respects  
14 the sought-after relative's privacy and shall inform the  
15 sought-after relative of the petitioner's request for medical  
16 information, identifying information or contact as stated in  
17 the petition. Based upon the terms of the petitioner's  
18 request, the confidential intermediary shall contact a  
19 sought-after relative on behalf of the petitioner and inform  
20 the sought-after relative of the following options:

21 (1) The sought-after relative may totally reject one  
22 or all of the requests for medical information,  
23 identifying information or contact. The sought-after  
24 relative shall be informed that they can provide a medical  
25 questionnaire to be forwarded to the petitioner without  
26 releasing any identifying information. The confidential

1 intermediary shall inform the petitioner of the  
2 sought-after relative's decision to reject the sharing of  
3 information or contact.

4 (2) The sought-after relative may consent to  
5 completing a medical questionnaire only. In this case, the  
6 confidential intermediary shall provide the questionnaire  
7 and ask the sought-after relative to complete it. The  
8 confidential intermediary shall forward the completed  
9 questionnaire to the petitioner and inform the petitioner  
10 of the sought-after relative's desire to not provide any  
11 additional information.

12 (3) The sought-after relative may communicate with the  
13 petitioner without having his or her identity disclosed.  
14 In this case, the confidential intermediary shall arrange  
15 the desired communication in a manner that protects the  
16 identity of the sought-after relative. The confidential  
17 intermediary shall inform the petitioner of the  
18 sought-after relative's decision to communicate but not  
19 disclose his or her identity.

20 (4) The sought-after relative may consent to initiate  
21 contact with the petitioner. The confidential intermediary  
22 shall obtain written consents from both parties that they  
23 wish to disclose their identities to each other and to  
24 have contact with each other.

25 (j) Oath. The confidential intermediary shall sign an oath  
26 of confidentiality substantially as follows: "I, .....,

1 being duly sworn, on oath depose and say: As a condition of  
2 appointment as a confidential intermediary, I affirm that:

3 (1) I will not disclose to the petitioner, directly or  
4 indirectly, any confidential information except in a  
5 manner consistent with the law.

6 (2) I recognize that violation of this oath subjects  
7 me to civil liability and to a potential finding of  
8 contempt of court. ....

9 SUBSCRIBED AND SWORN to before me, a Notary Public, on (insert  
10 date)

11 ....."

12 (k) Sanctions.

13 (1) Any confidential intermediary who improperly  
14 discloses confidential information identifying a  
15 sought-after relative shall be liable to the sought-after  
16 relative for damages and may also be found in contempt of  
17 court.

18 (2) Any person who learns a sought-after relative's  
19 identity, directly or indirectly, through the use of  
20 procedures provided in this Section and who improperly  
21 discloses information identifying the sought-after  
22 relative shall be liable to the sought-after relative for  
23 actual damages plus minimum punitive damages of \$10,000.

24 (3) The Department shall fine any confidential  
25 intermediary who improperly discloses confidential  
26 information in violation of item (1) or (2) of this

1 subsection (k) an amount up to \$2,000 per improper  
2 disclosure. This fine does not affect civil liability  
3 under item (2) of this subsection (k). The Department  
4 shall deposit all fines and penalties collected under this  
5 Section into the Illinois Adoption Registry and Medical  
6 Information Fund.

7 (l) Death of person being sought. Notwithstanding any  
8 other provision of this Act, if the confidential intermediary  
9 discovers that the person being sought has died, he or she  
10 shall report this fact to the court, along with a copy of the  
11 death certificate. If the sought-after relative is a birth  
12 parent, the confidential intermediary shall also forward a  
13 copy of the birth parent's death certificate, if available, to  
14 the Registry for inclusion in the Registry file.

15 (m) Any confidential information obtained by the  
16 confidential intermediary during the course of his or her  
17 search shall be kept strictly confidential and shall be used  
18 for the purpose of arranging contact between the petitioner  
19 and the sought-after birth relative. At the time the case is  
20 closed, all identifying information shall be returned to the  
21 court for inclusion in the impounded adoption file.

22 (n) (Blank).

23 (o) Except as provided in subsection (k) of this Section,  
24 no liability shall accrue to the State, any State agency, any  
25 judge, any officer or employee of the court, any certified  
26 confidential intermediary, or any agency designated to oversee

1 confidential intermediary services for acts, omissions, or  
2 efforts made in good faith within the scope of this Section.

3 (p) An adoption agency that has received a request from a  
4 confidential intermediary for the full name, date of birth,  
5 last known address, or last known telephone number of a  
6 sought-after relative pursuant to subsection (g) of Section  
7 18.3a, or for medical information regarding a sought-after  
8 relative pursuant to subsection (h) of Section 18.3a, must  
9 satisfactorily comply with this court order within a period of  
10 45 days. The court shall order the adoption agency to  
11 reimburse the petitioner in an amount equal to all payments  
12 made by the petitioner to the confidential intermediary, and  
13 the adoption agency shall be subject to a civil monetary  
14 penalty of \$1,000 to be paid to the Department of Children and  
15 Family Services. Following the issuance of a court order  
16 finding that the adoption agency has not complied with Section  
17 18.3, the adoption agency shall be subject to a monetary  
18 penalty of \$500 per day for each subsequent day of  
19 non-compliance. Proceeds from such fines shall be utilized by  
20 the Department of Children and Family Services to subsidize  
21 the fees of petitioners as referenced in subsection (d) of  
22 this Section.

23 (q) (Blank).

24 Any reimbursements and fines, notwithstanding any  
25 reimbursement directly to the petitioner, paid under this  
26 subsection are in addition to other remedies a court may

1 otherwise impose by law.

2 The Department of Children and Family Services shall  
3 submit reports to the Adoption Registry-Confidential  
4 Intermediary Advisory Council by July 1 and January 1 of each  
5 year in order to report the penalties assessed and collected  
6 under this subsection, the amounts of related deposits into  
7 the DCFS Children's Services Fund, and any expenditures from  
8 such deposits.

9 (r) A confidential intermediary shall be permitted to  
10 access information from closed child welfare agencies whose  
11 records are housed in the State Central Storage consistent  
12 with paragraph (g) for all petitioners. If the petitioner is  
13 an adult adopted or surrendered person, the adoptive parent of  
14 an adult adopted person under the age of 21, ~~or~~ the adoptive  
15 parent of a deceased adopted or surrendered person, or an  
16 adult child or grandchild of a deceased adopted person, the  
17 confidential intermediary may request any non-identifying  
18 information, including any available medical information about  
19 the adopted or surrendered person from birth through adoption,  
20 any non-identifying information described in Section 18.4, and  
21 the Section 18.3 statement, and, subject to subsection (g),  
22 the confidential intermediary shall disclose the  
23 non-identifying information to a petitioner who is an adult  
24 adopted or surrendered person, the adoptive parent of an adult  
25 adopted person under the age of 21, the adoptive parent of a  
26 deceased adopted or surrendered person, or an adult child or

1 grandchild of a deceased adopted person.

2 (Source: P.A. 104-69, eff. 1-1-26.)