**Section 500.47 Illinois Adoption Registry and Information Exchange**

a) As used in this Section:

*"Adopted person" means a person who was adopted pursuant to the laws in effect at the time of the adoption* (Section 18.06 of the Adoption Act).

*"Adoptive parent" means a person who has become a parent through the legal process of adoption* (Section 18.06 of the Adoption Act).

*"Agency" means a public child welfare agency or a licensed child welfare agency* (Section 18.06 of the Adoption Act).

*"Birth father" means the biological father of an adopted or surrendered person who is named on the original certificate of live birth or on a consent or surrender document, or a biological father whose paternity has been established by a judgment or order of the court, pursuant to the Illinois Parentage Act of 1984* (Section 18.06 of the Adoption Act).

*"Birth mother" means the biological mother of an adopted or surrendered person* (Section 18.06 of the Adoption Act).

*"Birth parent" means a birth mother or birth father of an adopted or surrendered person* (Section 18.06 of the Adoption Act).

*"Birth sibling" means the adult full or half sibling of an adopted or surrendered person* (Section 18.06 of the Adoption Act).

"Council" means the Adoption Registry Advisory Council created under Section 18.07 of the Adoption Act).

*"Denial of Information Exchange" means an affidavit completed by a registrant with the Illinois Adoption Registry and Information Exchange denying the release of identifying information* (Section 18.06 of the Adoption Act).

"Department" means the Department of Public Health.

*"Information Exchange Authorization" means an affidavit completed by a registrant with the Illinois Adoption Registry and Information Exchange authorizing the release of identifying information* (Section 18.06 of the Adoption Act).

*"Medical Questionnaire" means the medical history questionnaire completed by a registrant of the Illinois Adoption Registry and Information Exchange* (Section 18.06 of the Adoption Act).

*"Proof of death" means a* certified copy of a *death certificate* (Section 18.06 of the Adoption Act).

*"Registrant" or "registered party" means a birth parent, birth sibling, adopted or surrendered person over the age of 21, or adoptive parent or legal guardian of an adopted or surrendered person under the age of 21 who has filed an Illinois Adoption Registry Application or Registration Identification Form with the Registry* (Section 18.06 of the Adoption Act).

"Statistical records" mean non-identifying numerical data tallying the total number of registrations filed by adopted persons, surrendered persons, non-surrendered birth sibilings, adoptive parents, birth parents, and legal guardians; and the total number of registry matches made.

*"Surrendered person" means a person whose parents' rights have been surrendered or terminated but who has not been adopted* (Section 18.06 of the Adoption Act).

b) The Department of Public Health will:

1) Maintain the Illinois Adoption Registry, Information Exchange, and the Medical Information Exchange under the Adoption Act to assist the voluntary exchange of information between mutually consenting birth parents or birth siblings and mutually consenting adoptive parents or legal guardians of adopted or surrendered persons under the age of 21 or adopted or surrendered persons 21 years of age or older.

2) Inform the public about the Adoption Registry and information exchanges through public service announcements, media coverage and, for a minimum of 4 years, through notices enclosed with driver's license renewal applications.

3) Notify all parties who registered with the Illinois Adoption Registry before January 1, 2000 of the Adoption Registry and Medical Information Exchange.

4) Maintain an informational Internet site where interested parties may access information about the Illinois Adoption Registry and Information Exchange and download all necessary application forms.

5) Maintain or aggregate statistical records and informational material regarding the Registry and Registry participation for periodic distribution to the public.

c) Effective with the establishment of an Adoption Registry and Medical Information Exchange, the Department will provide information about Adoption Registry services. The address and telephone number of the Adoption Registry is as follows:

Adoption Registry

Illinois Department of Public Health

Division of Vital Records

605 W. Jefferson

Springfield, Illinois 62702-6553

[Toll free] 877-323-5299 or 217-557-5159

d) When a person registers with the Illinois Adoption Registry and completes an Illinois Adoption Registry Application or a Registration Identification Form, the Registry shall establish a new Adoption/Surrender Records File for that person. An established Adoption/Surrender Records File shall be limited to the following items:

1) The General Information Section of an Illinois Adoption Registry Application, the Registration Identification Form, the Medical Questionnaire, and the Information Exchange Authorization or Denial that have been voluntarily completed by the adopted or surrendered person or his or her adoptive parents, legal guardians, birth parents, or birth siblings. The Department of Public Health shall act according to the most recently filed authorization or denial unless that authorization or denial has expired under subsection (f).

2) Photographs and written statements voluntarily provided by a registrant for the adopted or surrendered person or his or her adoptive parents, legal guardians, birth parents, or birth siblings. The photographs shall be submitted in an unsealed envelope no larger than 8 1/2" x 11" and shall not include identifying information about a person other than the registrant who submitted them. Identifying information submitted about persons other than the registrant shall be redacted by the Department or the information shall be returned to the registrant for removal of that identifying information.

3) Any Information Exchange Authorization or Denial of Information Exchange that has been filed by a registrant. The Department of Public Health shall act according to the most recently filed authorization or denial unless that authorization or denial has expired under subsection (f).

4) For all adoptions finalized after January 1, 2000, copies of the original certificate of live birth and the certificate of adoption.

5) Updated addresses submitted by a registered party about himself or herself.

6) Proof of death that has been submitted by an adopted or surrendered person, adoptive parent, legal guardian, birth parent, or birth sibling.

e) The Department will establish and maintain a Registry to in writing only provide identifying information to mutually consenting adult adopted or surrendered persons, birth parents, adoptive parents, legal guardians, and birth siblings. Before identifying information is released, the Deputy State Registrar and Adoption Registry director must review and only approve the exchange of identifying information if the release is allowed under the requirements of this Part and the Adoption Act. Identifying information includes the following items:

1) The name and last known address of the consenting person or persons.

2) A copy of the Illinois Adoption Registry Application of the consenting person or persons.

3) A copy of the original certificate of live birth of the adopted person. Written authorization from all parties identified must be received before the disclosure of the respective party's identifying information.

4) A copy of the completed Medical Questionnaire.

f) After a child is surrendered for adoption, during the adoption proceedings, or after the adoption, either birth parent or both birth parents may file with the Registry a Birth Parent Registration Identification Form and an Information Exchange Authorization or a Denial of Information Exchange.

A birth sibling 21 years of age or older who was not surrendered for adoption, and who has submitted proof of death for a deceased birth parent who did not file a Denial of Information Exchange with the Registry before his or her death, may file a Registration Identification Form and an Information Exchange Authorization or a Denial of Information Exchange. If the birth sibling of an adopted or surrendered person was not born in Illinois, then that birth sibling must submit a certified copy of his or her birth certificate with the registration.

An adopted person over the age of 21 or still under guardianship, or a surrendered person over the age of 21, or an adoptive parent or legal guardian of an adopted or surrendered person under the age of 21 may file with the Registry a Registration Identification Form and an Information Exchange Authorization or a Denial of Information Exchange. If registering as the legal guardian of an adopted or surrendered person, then a certified copy of the court order establishing the guardianship must be submitted with the registration. If an adoptive parent or legal guardian of an adopted or surrendered person under the age of 21 files a registration, authorization, or denial, then that registration, authorization, or denial expires when the adopted or surrendered person attains 21 years of age unless the guardianship extends beyond that time, in which case the registration expires when the guardianship expires. After expiration, the Department shall then not release any Registry information and shall close that adoption/surrender records file until the now competent adult adopted or surrendered person files with the Registry a Registration Identification Form, Information Exchange Authorization, or Denial of Information Exchange.

g) The Department will supply to the adopted or surrendered person, or his or her adoptive parents or legal guardians, and to the birth parents identifying information only if both the adopted or surrendered person, or his or her adoptive parents or legal guardians, and the birth parents have filed with the Registry an Information Exchange Authorization and the information at the Registry indicates that the consenting adopted or surrendered person or the child of the consenting adoptive parents or legal guardians is the child of the consenting birth parents. The Department will supply to adopted or surrendered persons who are birth siblings identifying information only if both siblings have filed with the Registry an Information Exchange Authorization and the information at the Registry indicates that the consenting siblings have one or both birth parents in common. Identifying information will be supplied to consenting birth siblings who were adopted or surrendered if the consenting sibling is 21 years of age or older. Identifying information will be supplied to consenting birth siblings who were not adopted or surrendered if the consenting sibling is 21 years of age or older, has proof of death of the common birth parent, if one birth parent was in common or proof of death of both parents if both were in common, and the common birth parent or common birth parents did not file a Denial of Information Exchange with the Registry before his or her death.

h) A birth parent, birth sibling, adopted or surrendered person, or adoptive parents or legal guardians may notify the Registry of their desire not to have their identity revealed or may revoke any previously filed Information Exchange Authorization or Medical Questionnaire/Medical Information Exchange Release by completing and filing with the Registry a Registry Identification Form along with a Denial of Information Exchange or modified Information Exchange Authorization. The Illinois Adoption Registry Application does not need to be completed to file a Denial of Information Exchange. An adopted or surrendered person or his or her adoptive parents or legal guardians, birth sibling, or birth parent may revoke a Denial of Information Exchange or Denial of Medical Information Exchange Release by filing an Information Exchange Authorization. The Department of Public Health shall act according to the most recently filed authorization or denial unless that authorization or denial has expired under subsection (f).

i) Information submitted to the Registry is confidential and gathered by the State to assist the exchange of updated medical data and contact information between adopted and surrendered persons and other registered parties. Information exchanged through the Registry is not admissible as evidence nor discoverable in an action in a court, tribunal, board, agency, or commission, except as provided in subsection (i)(1). Disclosure of information in violation of the Adoption Act is a Class A misdemeanor (see Section 18.8 of the Adoption Act).

1) Information from the Registry may not be disclosed, except as authorized by the Adoption Act, including under Section 18.1(f) of that Act, only:

A) Upon a Court Order, which order shall name the person or persons entitled to the information.

B) To the adopted or surrendered person, adoptive parents or legal guardians, birth sibling, or birth parent if both the adopted or surrendered person, or his or her adoptive parents or legal guardians, and his or her birth parent, both birth parents, or birth siblings, have filed with the Registry an Information Exchange Authorization and have otherwise met the conditions of this Part.

C) As authorized under Section 18.3(h) of the Adoption Act.

D) If requested by an adopted person, a copy of the certificate of live birth shall only be released to the adopted person under the conditions of this Part if he or she was born in Illinois and is the subject of an Information Exchange Authorization filed by one of his or her birth parents or non-surrendered birth siblings.

2) A person who willfully provides unauthorized disclosure of information filed with the Registry or who knowingly or intentionally files false information with the Registry is guilty of a Class A misdemeanor and is liable for damages under Section 18.1(f) of the Adoption Act.

3) Identifying information submitted about persons other than the registrant shall be redacted by the Department or the information shall be returned to the registrant for removal of that identifying information. The Department shall redact identifying information provided to it about a party who has not consented to the disclosure of the identifying information.

j) Upon meeting the requirements of this Part, the Registry shall release identifying information in writing only as specified on the Information Exchange Authorization to the following mutually consenting registered parties and provide them with photographs that have been placed in the Adoption/Surrender Records File and are specifically intended for the registered parties:

1) An adult adopted or surrendered person and one of his or her birth parents or birth siblings who have both filed with the Registry an Information Exchange Authorization specifying the other consenting party, if information available to the Registry confirms that the consenting adopted or surrendered person is a birth relative of the consenting birth parent or sibling.

2) The adoptive parent or legal guardian of an adopted or surrendered person under the age of 21 and one of his or her birth parents or birth siblings who have both filed with the Registry an Information Exchange Authorization specifying the other consenting party if the information available to the Registry confirms that the child of the consenting adoptive parent or legal guardian is a birth relative of the consenting birth parent or birth sibling.

3) If a registrant has completed a Medical Questionnaire and has consented to its disclosure, that Questionnaire shall be released to any registered party who has indicated his/her desire to receive the information on his or her Illinois Adoption Registry Application if information available to the Registry confirms that the consenting parties are birth relatives or that the consenting birth relative and the child of the consenting adoptive parents or legal guardians are birth relatives.

A) If a registrant is the subject of a Denial of Information Exchange filed by another party to the adoption, the Registry shall not release identifying information to either registrant.

B) If a registrant is the subject of a Denial of Medical Information Exchange filed by another party to the adoption, the Registry shall not release the Medical Questionnaire to either registrant.

k) The forms for the Adoption Registry Application, Birth Parent Registration Identification, Adopted Person Registration Identification, Surrendered Person Registration Identification, Non-surrendered Birth Sibling Registration Identification, Adoptive Parent Registration Identification, Legal Guardian Registration Identification, Information Exchange Authorization, Denial of Information Exchange, and Medical Questionnaire are included as Illustrations in Appendix E of this Part.

1) Registration with the Illinois Adoption Registry and Medical Information Exchange is effective upon the filing with the Registry of the applicant's completed Illinois Adoption Registry Application. Registration and changes must be made using the prescribed forms. The Department shall send to a registrant a written confirmation of the registration or subsequent changes. No other information pertaining to the receipt or status of a registrant's application shall be released without the registrant's written request and proof of identification.

2) When an Illinois Adoption Registry Application, Information Exchange Authorization, or a Denial of Information Exchange or Release is executed in a foreign country, the execution must be acknowledged or affirmed before an officer of the United States consular services. If the person signing an Information Exchange Authorization or a Denial of Information is in the military service of the United States, the execution of the document may be acknowledged before a commissioned officer and the signature of the officer on the certificate must be verified or acknowledged before a notary public or by other procedure of the armed forces.

3) A registrant may complete all or any part of the Illinois Adoption Registry form. The Illinois Adoption Registry forms, required documents, and affidavits submitted to the Registry shall be accompanied by a copy of proof of identification. Accepted forms of identification include a driver's license, state or federal identification card, military identification card, passport, or other government issued identification card with a photograph, but does not include a firearm owner's identification card.

4) The registrant must pay a $40 fee for registering with the Illinois Adoption Registry and Information Exchange. This fee will be waived, however, for all adopted or surrendered persons, adoptive parents, legal guardians, birth parents, and birth siblings who complete a Medical Questionnaire at the time of registration and authorize its release to specified registered parties, and for adoptive parents registering within 12 months after the finalization of the adoption. In addition, the Department will not charge a fee for the update, withdrawl, or revocation of a form.

l) The Adoption Registry Advisory Council is chaired by the Director of Public Health or the Director's designee. The Council will:

1) Advise the Department on the development of rules, procedures, and forms used by the Illinois Adoption Registry and Information Exchange.

2) Make recommendations regarding the procedures, tools and technology that will ensure efficient and effective operation of the Registry.

3) Submit a report of statistical records to the Governor and General Assembly.

4) Assist the Department with the development, publication, and circulation of an informational pamphlet that describes the purpose, function, and mechanics of the Illinois Adoption Registry and Information Exchange, including information about who is eligible to register and how to register; information about the questions and concerns that registrants may develop when they register or when they receive information from the Registry; and a list of services, programs, groups, and informational websites that are available to assist registrants with their questions and concerns.

(Source: Amended at 24 Ill. Reg. 11882, effective July 26, 2000)