



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5508

Introduced 2/9/2024, by Rep. Kevin John Olickal

SYNOPSIS AS INTRODUCED:

750 ILCS 50/15

from Ch. 40, par. 1519

Amends the Adoption Act. Declares that it is the public policy of the State to favor adoption of a child by a relative unless it is shown by clear and convincing evidence that any such adoption would be harmful to the welfare of the child. Provides that any relative who wishes to adopt a child, and who is not already a party to the adoption proceeding, upon presentation of a written or oral motion to intervene shall be made a party to the adoption proceeding. Creates a list of relatives who may seek adoption of a related child.

LRB103 37595 JRC 67721 b

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 15 as follows:

6 (750 ILCS 50/15) (from Ch. 40, par. 1519)
7 Sec. 15.

8 (a) The welfare of the child shall be the prime
9 consideration in all adoption proceedings. The court in
10 entering a judgment of adoption shall, whenever possible, give
11 custody through adoption to a petitioner or petitioners of the
12 same religious belief as that of the child.

13 (b) It is the public policy of this State to favor adoption
14 of a child by a relative unless it is shown by clear and
15 convincing evidence that any such adoption would be harmful to
16 the welfare of the child.

17 (c) Whenever a child is to be placed for adoption, any
18 relative who wishes to adopt the child, and who is not already
19 a party to the adoption proceeding, upon presentation of a
20 written or oral motion to intervene shall be made a party to
21 the adoption proceeding, except that no one who becomes a
22 party under this subsection may exercise the rights granted by
23 Section 2-1001 of the Code of Civil Procedure.

1 (d) When there is a grandparent who wishes to adopt, the
2 court shall place the child with the Grandparent or
3 grandparents, unless, after an evidentiary hearing, the court
4 makes an express finding, based on clear and convincing
5 evidence, that placement with a grandparent would be harmful
6 to the child's welfare.

7 (e) When there is an adult sibling who wishes to adopt, the
8 court shall place the child with the adult sibling, unless,
9 after an evidentiary hearing, the court makes an express
10 finding, based on clear and convincing evidence, that
11 placement with a sibling would be harmful to the child's
12 welfare.

13 (f) When no grandparent or older sibling is available,
14 then, whenever there is an aunt or uncle who wishes to adopt,
15 the court shall place the child with an aunt or uncle or both,
16 unless, after an evidentiary hearing, the court makes an
17 express finding, based on clear and convincing evidence, that
18 placement with an aunt or uncle or both would be harmful to the
19 child's welfare.

20 (g) When no grandparent, older sibling, aunt or uncle is
21 available, then, whenever there is a cousin who wishes to
22 adopt, the court shall place the child with a cousin or
23 cousins, unless, after an evidentiary hearing, the court makes
24 an express finding, based on clear and convincing evidence,
25 that placement with a cousin or cousins would be harmful to the
26 child's welfare.

1 (h) When no grandparent, older sibling, aunt, uncle or
2 cousin is available, then, whenever there is a relative who
3 wishes to adopt, the court shall place the child with a
4 relative or relatives, unless, after an evidentiary hearing,
5 the court makes an express finding, based on clear and
6 convincing evidence, that placement with a relative would be
7 harmful to the child's welfare.

8 (i) A grandparent, older sibling, aunt, uncle or cousin
9 may waive his or her right to adopt a child conditioned on that
10 child's being adopted by some other designated relative. If
11 that designated relative fails to adopt the child, or if that
12 designated relative does adopt the child and his or her
13 parental rights to that child are subsequently terminated,
14 then the rights waived under this subsection may be
15 reasserted. No relative may waive and subsequently reassert
16 rights in this manner more than twice, in any given adoption
17 proceeding.

18 (j) The court, on motion of any party, or on its own
19 motion, may enter an order requiring any relative who wishes
20 to conditionally waive adoption rights under subsection (i),
21 to name the designated relative or relatives within a certain
22 amount of time, which may not be less than 30 days after being
23 made a party to the adoption proceeding.

24 (Source: P.A. 84-452.)