



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB1433

Introduced 2/7/2023, by Sen. Sara Feigenholtz

#### SYNOPSIS AS INTRODUCED:

750 ILCS 50/12.1

750 ILCS 50/18.1

750 ILCS 50/18.8

from Ch. 40, par. 1522.1

Amends the Adoption Act. Removes language providing that: a person who knowingly or intentionally registers false information under the Putative Father Registry commits a Class B misdemeanor; a person who knowingly or intentionally releases confidential information in violation of a provision related to the Putative Father Registry commits a Class B misdemeanor; any person who willfully provides unauthorized disclosure of any information filed with the Illinois Adoption Registry and Medical Information Exchange or who knowingly or intentionally files false information with the Illinois Adoption Registry and Medical Information Exchange shall be guilty of a Class A misdemeanor; and the disclosure of identifying information in violation of the Act is a Class A misdemeanor.

LRB103 28857 LNS 55242 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  
5 Sections 12.1, 18.1, and 18.8 as follows:

6 (750 ILCS 50/12.1)

7 Sec. 12.1. Putative Father Registry. The Department of  
8 Children and Family Services shall establish a Putative Father  
9 Registry for the purpose of determining the identity and  
10 location of a putative father of a minor child who is, or is  
11 expected to be, the subject of an adoption proceeding, in  
12 order to provide notice of such proceeding to the putative  
13 father. The Department of Children and Family Services shall  
14 establish rules and informational material necessary to  
15 implement the provisions of this Section. The Department shall  
16 have the authority to set reasonable fees for the use of the  
17 Registry. All such fees for the use of the Registry that are  
18 received by the Department or its agent shall be deposited  
19 into the fund authorized under subsection (b) of Section 25 of  
20 the Children and Family Services Act. The Department shall use  
21 the moneys in that fund for the purpose of maintaining the  
22 Registry.

23 (a) The Department shall maintain the following

1 information in the Registry:

2 (1) With respect to the putative father:

3 (i) Name, including any other names by which the  
4 putative father may be known and that he may provide to  
5 the Registry;

6 (ii) Address at which he may be served with notice  
7 of a petition under this Act, including any change of  
8 address;

9 (iii) Social Security Number;

10 (iv) Date of birth; and

11 (v) If applicable, a certified copy of an order by  
12 a court of this State or of another state or territory  
13 of the United States adjudicating the putative father  
14 to be the father of the child.

15 (2) With respect to the mother of the child:

16 (i) Name, including all other names known to the  
17 putative father by which the mother may be known;

18 (ii) If known to the putative father, her last  
19 address;

20 (iii) Social Security Number; and

21 (iv) Date of birth.

22 (3) If known to the putative father, the name, gender,  
23 place of birth, and date of birth or anticipated date of  
24 birth of the child.

25 (4) The date that the Department received the putative  
26 father's registration.

1           (5) Other information as the Department may by rule  
2           determine necessary for the orderly administration of the  
3           Registry.

4           (b) A putative father may register with the Department  
5           before the birth of the child but shall register no later than  
6           30 days after the birth of the child. All registrations shall  
7           be in writing and signed by the putative father. No fee shall  
8           be charged for the initial registration. The Department shall  
9           have no independent obligation to gather the information to be  
10          maintained.

11          (c) An interested party, including persons intending to  
12          adopt a child, a child welfare agency with whom the mother has  
13          placed or has given written notice of her intention to place a  
14          child for adoption, the mother of the child, or an attorney  
15          representing an interested party may request that the  
16          Department search the Registry to determine whether a putative  
17          father is registered in relation to a child who is or may be  
18          the subject to an adoption petition.

19          (d) A search of the Registry may be proven by the  
20          production of a certified copy of the registration form, or by  
21          the certified statement of the administrator of the Registry  
22          that after a search, no registration of a putative father in  
23          relation to a child who is or may be the subject of an adoption  
24          petition could be located.

25          (e) Except as otherwise provided, information contained  
26          within the Registry is confidential and shall not be published

1 or open to public inspection.

2 (f) (Blank). ~~A person who knowingly or intentionally~~  
3 ~~registers false information under this Section commits a Class~~  
4 ~~B misdemeanor. A person who knowingly or intentionally~~  
5 ~~releases confidential information in violation of this Section~~  
6 ~~commits a Class B misdemeanor.~~

7 (g) Except as provided in subsections (b) or (c) of  
8 Section 8 of this Act, a putative father who fails to register  
9 with the Putative Father Registry as provided in this Section  
10 is barred from thereafter bringing or maintaining any action  
11 to assert any interest in the child, unless he proves by clear  
12 and convincing evidence that:

13 (1) it was not possible for him to register within the  
14 period of time specified in subsection (b) of this  
15 Section; and

16 (2) his failure to register was through no fault of  
17 his own; and

18 (3) he registered within 10 days after it became  
19 possible for him to file.

20 A lack of knowledge of the pregnancy or birth is not an  
21 acceptable reason for failure to register.

22 (h) Except as provided in subsection (b) or (c) of Section  
23 8 of this Act, failure to timely register with the Putative  
24 Father Registry (i) shall be deemed to be a waiver and  
25 surrender of any right to notice of any hearing in any judicial  
26 proceeding for the adoption of the child, and the consent or

1 surrender of that person to the adoption of the child is not  
2 required, and (ii) shall constitute an abandonment of the  
3 child and shall be prima facie evidence of sufficient grounds  
4 to support termination of such father's parental rights under  
5 this Act.

6 (i) In any adoption proceeding pertaining to a child born  
7 out of wedlock, if there is no showing that a putative father  
8 has executed a consent or surrender or waived his rights  
9 regarding the proposed adoption, certification as specified in  
10 subsection (d) shall be filed with the court prior to entry of  
11 a final judgment order of adoption.

12 (j) The Registry shall not be used to notify a putative  
13 father who is the father of a child as a result of criminal  
14 sexual abuse or assault as defined under Article 11 of the  
15 Criminal Code of 2012.

16 (Source: P.A. 97-1150, eff. 1-25-13.)

17 (750 ILCS 50/18.1) (from Ch. 40, par. 1522.1)

18 Sec. 18.1. Disclosure of identifying information.

19 (a) The Department of Public Health shall establish and  
20 maintain a Registry for the purpose of allowing mutually  
21 consenting members of birth and adoptive families to exchange  
22 identifying and medical information. Identifying information  
23 for the purpose of this Act shall mean any one or more of the  
24 following:

25 (1) The name and last known address of the consenting

1 person or persons.

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

4 (3) A non-certified copy of the original birth  
5 certificate of an adult adopted or surrendered person.

6 (b) Written authorization from all parties identified must  
7 be received prior to disclosure of any identifying  
8 information, with the exception of non-certified copies of  
9 original birth certificates released to adult adopted or  
10 surrendered persons or to surviving adult children and  
11 surviving spouses of deceased adopted or surrendered persons  
12 pursuant to the procedures outlined in Section 18.1b(e).

13 (c) At any time after a child is surrendered for adoption,  
14 or at any time during the adoption proceedings or at any time  
15 thereafter, either birth parent or both of them may file with  
16 the Registry a Birth Parent Registration Identification Form.

17 (d) A birth sibling 21 years of age or over who was not  
18 surrendered for adoption and who has submitted a copy of his or  
19 her birth certificate as well as proof of death for a deceased  
20 birth parent and such birth parent did not file a Denial of  
21 Information Exchange or a Birth Parent Preference Form on  
22 which Option E was selected with the Registry prior to his or  
23 her death may file a Registration Identification Form and an  
24 Information Exchange Authorization or a Denial of Information  
25 Exchange.

26 (e) A birth aunt or birth uncle who has submitted birth

1 certificates for himself or herself and for a deceased birth  
2 parent naming at least one common biological parent as well as  
3 proof of death for the deceased birth parent and such birth  
4 parent did not file a Denial of Information Exchange or a Birth  
5 Parent Preference Form on which Option E was selected with the  
6 Registry prior to his or her death may file a Registration  
7 Identification Form and an Information Exchange Authorization  
8 or a Denial of Information Exchange.

9 (e-5) A birth grandparent who has submitted birth  
10 certificates for himself or herself and for a deceased birth  
11 parent as well as proof of death for the deceased birth parent  
12 and the birth parent did not file a Denial of Information  
13 Exchange or a Birth Parent Preference Form on which Option E  
14 was selected with the Registry prior to his or her death may  
15 file a Registration Identification Form and an Information  
16 Exchange Authorization or a Denial of Information Exchange.

17 (f) Any adopted person 21 years of age or over, any  
18 surrendered person 21 years of age or over, or any adoptive  
19 parent or legal guardian of an adopted or surrendered person  
20 under the age of 21 may file with the Registry a Registration  
21 Identification Form and an Information Exchange Authorization  
22 or a Denial of Information Exchange.

23 (g) Any adult child or adult grandchild 21 years of age or  
24 over of a deceased adopted or surrendered person who has  
25 submitted a copy of his or her birth certificate naming an  
26 adopted or surrendered person as his or her biological parent



1 as well as proof of death for the deceased adopted or  
2 surrendered person and such adopted or surrendered person did  
3 not file a Denial of Information Exchange with the Registry  
4 prior to his or her death may file a Registration  
5 Identification Form and an Information Exchange Authorization  
6 or a Denial of Information Exchange.

7 (h) Any surviving spouse of a deceased adopted or  
8 surrendered person 21 years of age or over who has submitted  
9 proof of death for the deceased adopted or surrendered person  
10 and such adopted or surrendered person did not file a Denial of  
11 Information Exchange with the Registry prior to his or her  
12 death as well as a birth certificate naming themselves and the  
13 adopted or surrendered person as the parents of a minor child  
14 under the age of 21 may file a Registration Identification  
15 Form and an Information Exchange Authorization or a Denial of  
16 Information Exchange.

17 (i) Any adoptive parent or legal guardian of a deceased  
18 adopted or surrendered person who is 21 years of age or over  
19 who has submitted proof of death as well as proof of parentage  
20 or guardianship for the deceased adopted or surrendered person  
21 and such adopted or surrendered person did not file a Denial of  
22 Information Exchange with the Registry prior to his or her  
23 death may file a Registration Identification Form and an  
24 Information Exchange Authorization or a Denial of Information  
25 Exchange.

26 (j) The Department of Public Health shall supply to the

1 adopted or surrendered person or his or her adoptive parents,  
2 legal guardians, adult children, adult grandchildren, or  
3 surviving spouse, and to the birth parents identifying  
4 information only if both the adopted or surrendered person, or  
5 one of his or her adoptive parents, legal guardians, adult  
6 children, adult grandchildren, or his or her surviving spouse,  
7 and the birth parents have filed with the Registry an  
8 Information Exchange Authorization or a Birth Parent  
9 Preference Form on which Option A, B, or C was selected and the  
10 information at the Registry indicates that the consenting  
11 adopted or surrendered person, the child of the consenting  
12 adoptive parents or legal guardians, the parent of the  
13 consenting adult child of the adopted or surrendered person,  
14 or the deceased wife or husband of the consenting surviving  
15 spouse is the child of the consenting birth parents, except  
16 identifying information that appears on a non-certified copy  
17 of an original birth certificate may be provided to an adult  
18 adopted or surrendered person or to the surviving adult child,  
19 adult grandchild, or surviving spouse of a deceased adopted or  
20 surrendered person pursuant to the procedures outlined in  
21 Section 18.1b(e) of this Act.

22 The Department of Public Health shall supply to adopted or  
23 surrendered persons who are birth siblings identifying  
24 information only if both siblings have filed with the Registry  
25 an Information Exchange Authorization and the information at  
26 the Registry indicates that the consenting siblings have one

1 or both birth parents in common. Identifying information shall  
2 be supplied to consenting birth siblings who were adopted or  
3 surrendered if any such sibling is 21 years of age or over.  
4 Identifying information shall be supplied to consenting birth  
5 siblings who were not adopted or surrendered if any such  
6 sibling is 21 years of age or over and has proof of death of  
7 the common birth parent and such birth parent did not file a  
8 Denial of Information Exchange or a Birth Parent Preference  
9 Form on which Option E was selected with the Registry prior to  
10 his or her death.

11 (k) The Department of Public Health shall supply to the  
12 adopted or surrendered person or his or her adoptive parents,  
13 legal guardians, adult children, adult grandchildren, or  
14 surviving spouse, and to a birth aunt identifying information  
15 only if both the adopted or surrendered person or one of his or  
16 her adoptive parents, legal guardians, adult children, adult  
17 grandchildren, or his or her surviving spouse, and the birth  
18 aunt have filed with the Registry an Information Exchange  
19 Authorization and the information at the Registry indicates  
20 that the consenting adopted or surrendered person, or the  
21 child of the consenting adoptive parents or legal guardians,  
22 or the parent of the consenting adult child, or the deceased  
23 wife or husband of the consenting surviving spouse of the  
24 adopted or surrendered person is or was the child of the  
25 brother or sister of the consenting birth aunt.

26 (k-5) The Department of Public Health shall supply to the

1 adopted or surrendered person and to a birth grandparent  
2 identifying information only if both the adopted or  
3 surrendered person and the birth grandparent have filed with  
4 the Registry an Information Exchange Authorization and the  
5 information at the Registry indicates that the consenting  
6 adopted or surrendered person is or was the child of a deceased  
7 birth mother or birth father.

8 (l) The Department of Public Health shall supply to the  
9 adopted or surrendered person or his or her adoptive parents,  
10 legal guardians, adult children, adult grandchildren, or  
11 surviving spouse, and to a birth uncle identifying information  
12 only if both the adopted or surrendered person or one of his or  
13 her adoptive parents, legal guardians, adult children, adult  
14 grandchildren, or his or her surviving spouse, and the birth  
15 uncle have filed with the Registry an Information Exchange  
16 Authorization and the information at the Registry indicates  
17 that the consenting adopted or surrendered person, or the  
18 child of the consenting adoptive parents or legal guardians,  
19 or the parent of the consenting adult child, or the deceased  
20 wife or husband of the consenting surviving spouse of the  
21 adopted or surrendered person is or was the child of the  
22 brother or sister of the consenting birth uncle.

23 (m) A registrant may notify the Registry of his or her  
24 desire not to have identifying information revealed or may  
25 revoke any previously filed Information Exchange Authorization  
26 by completing and filing with the Registry a Registry

1 Identification Form along with a Denial of Information  
2 Exchange or, if applicable, a Birth Parent Preference Form.  
3 Any registrant, except a birth parent, may revoke his or her  
4 Denial of Information Exchange by filing an Information  
5 Exchange Authorization. A birth parent may revoke a Denial of  
6 Information Exchange by filing a Birth Parent Preference Form.  
7 Any birth parent who has previously filed a Birth Parent  
8 Preference Form where Option E was selected may revoke such  
9 preference by filing a subsequent Birth Parent Preference Form  
10 and selecting Option A, B, C, or D. The Department of Public  
11 Health shall act in accordance with the most recently filed  
12 affidavit.

13 (n) Identifying information ascertained from the Registry  
14 shall be confidential and may be disclosed only (1) upon a  
15 Court Order, which order shall name the person or persons  
16 entitled to the information, or (2) to a registrant who is the  
17 subject of an Information Exchange Authorization or, if  
18 applicable, a Birth Parent Preference Form that was completed  
19 by another registrant and filed with the Illinois Adoption  
20 Registry and Medical Information Exchange, or (3) as  
21 authorized under subsection (h) of Section 18.3 of this Act,  
22 or (4) pursuant to the procedures outlined in Section 18.1b(e)  
23 of this Act. Any person who willfully provides unauthorized  
24 disclosure of any information filed with the Registry or who  
25 knowingly or intentionally files false information with the  
26 Registry ~~shall be guilty of a Class A misdemeanor and shall be~~

1 liable for damages.

2 (o) If information is disclosed pursuant to this Act, the  
3 Department shall redact it to remove any identifying  
4 information about any party who has not consented to the  
5 disclosure of such identifying information, or, in the case of  
6 identifying information on the original birth certificate,  
7 pursuant to Section 18.1b(e) of this Act.

8 (Source: P.A. 98-704, eff. 1-1-15; 99-345, eff. 1-1-16.)

9 (750 ILCS 50/18.8)

10 Sec. 18.8. Improper disclosure of identifying information.  
11 All information submitted to the Registry is confidential and  
12 gathered by the State solely for the purpose of facilitating  
13 the exchange of updated medical data and contact information  
14 between adopted and surrendered persons and other registered  
15 parties. Information exchanged through the Registry shall not  
16 be admissible as evidence nor discoverable in any action of  
17 any kind in any court or before any tribunal, board, agency, or  
18 commission. ~~Disclosure of identifying information in violation~~  
19 ~~of this Act is a Class A misdemeanor.~~

20 (Source: P.A. 91-417, eff. 1-1-00.)