



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB4876**

Introduced 01/19/06, by Rep. Robert W. Churchill

**SYNOPSIS AS INTRODUCED:**

750 ILCS 50/9	from Ch. 40, par. 1511
750 ILCS 50/10	from Ch. 40, par. 1512
750 ILCS 50/11	from Ch. 40, par. 1513

Amends the Adoption Act. Provides that the biological mother of a child may revoke an adoption consent or a surrender for adoption with 10 days after signing the consent or surrender, provided that the time of the revocation is no less than 72 hours after the birth of the child and no more than 60 days after the birth of the child. Provides that the revocation shall be made to the same person, agency or court that took the consent or surrender.

LRB094 15428 AJO 50622 b

1 AN ACT concerning adoption.

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 Sections  
5 9, 10, and 11 as follows:

6 (750 ILCS 50/9) (from Ch. 40, par. 1511)

7 Sec. 9. Time for taking a consent or surrender.

8 A. A consent or a surrender taken not less than 72 hours  
9 after the birth of the child is irrevocable except as provided  
10 in Section 11 of this Act; however, a consent or surrender  
11 taken from the biological mother no less than 72 hours after  
12 the birth of the child and no more that 60 days after the birth  
13 of the child shall be revoked if, within 10 days of signing the  
14 consent or surrender, she notifies in writing the person,  
15 agency or court representative who took the surrender or  
16 consent or any individual representative representing or  
17 connected with such person, agency or court representative of  
18 the revocation of the consent or surrender.

19 B. No consent or surrender shall be taken within the 72  
20 hour period immediately following the birth of the child.

21 C. A consent or a surrender may be taken from the father  
22 prior to the birth of the child. Such consent or surrender  
23 shall be revoked if, within 72 hours after the birth of the  
24 child, the father who gave such consent or surrender, notifies  
25 in writing the person, agency or court representative who took  
26 the surrender or consent or any individual representing or  
27 connected with such person, agency or court representative of  
28 the revocation of the consent or surrender.

29 C-5. A consent or a surrender may be taken from the  
30 biological mother prior to the birth of the child. Such consent  
31 or surrender shall be revoked if the biological mother notifies  
32 in writing, no less than 72 hours after the birth of the child

1 and no more than 60 days after the birth of a child, the  
 2 person, agency or court representative who took the surrender  
 3 or consent or any individual representing or connected with  
 4 such person, agency or court representative of the revocation  
 5 of the consent or surrender.

6 D. Any consent or surrender taken in accordance with  
 7 paragraph C above which is not revoked within 72 hours after  
 8 the birth of the child is irrevocable except as provided in  
 9 Section 11 of this Act.

10 D-5. Any consent or surrender taken in accordance with  
 11 paragraph C-5 above, no less than 72 hours after the birth of  
 12 the child and no more than 60 days after the birth of the  
 13 child, which is not revoked within 10 days after the consent or  
 14 surrender is signed is irrevocable except as provided in  
 15 Section 11 of this Act.

16 E. Consent may be given to a standby adoption by a parent  
 17 whose consent is required pursuant to Section 8 of this Act to  
 18 become effective when the consenting parent of the child dies  
 19 or that parent requests that the final judgment of adoption be  
 20 entered.

21 (Source: P.A. 93-732, eff. 1-1-05.)

22 (750 ILCS 50/10) (from Ch. 40, par. 1512)

23 Sec. 10. Forms of consent and surrender; execution and  
 24 acknowledgment thereof. A. The form of consent required for  
 25 the adoption of a born child shall be substantially as follows:

26 FINAL AND IRREVOCABLE CONSENT TO ADOPTION

27 I, ....., (relationship, e.g., mother, father, relative,  
 28 guardian) of ....., a ..male child, state:

29 That such child was born on .... at ....

30 That I reside at ....., County of .... and State of ....

31 That I am of the age of .... years.

32 That I hereby enter my appearance in this proceeding and  
 33 waive service of summons on me.

34 That I do hereby consent and agree to the adoption of such  
 35 child.

1 That I wish to and understand that by signing this consent  
2 I do irrevocably and permanently give up all custody and other  
3 parental rights I have to such child.

4 That I understand such child will be placed for adoption  
5 and that I cannot under any circumstances, after signing this  
6 document, change my mind and revoke or cancel this consent or  
7 obtain or recover custody or any other rights over such child.  
8 That I have read and understand the above and I am signing it  
9 as my free and voluntary act.

10 Dated (insert date).

11 .....

12 If under Section 8 the consent of more than one person is  
13 required, then each such person shall execute a separate  
14 consent.

15 B. The form of consent by a father of an unborn child  
16 required for the adoption of an unborn child shall be  
17 substantially as follows:

18 CONSENT BY FATHER TO ADOPTION OF UNBORN CHILD

19 I, ....., state:

20 That I am the father of a child expected to be born on or  
21 about .... to .... (name of mother).

22 That I reside at .... County of ....., and State of .....

23 That I am of the age of .... years.

24 That I hereby enter my appearance in such adoption  
25 proceeding and waive service of summons on me.

26 That I do hereby consent and agree to the adoption of such  
27 child, and that I have not previously executed a consent or  
28 surrender with respect to such child.

29 That I wish to and do understand that by signing this  
30 consent I do irrevocably and permanently give up all custody  
31 and other parental rights I have to such child, except that I  
32 have the right to revoke this consent by giving written notice  
33 of my revocation not later than 72 hours after the birth of the  
34 child.

35 That I understand such child will be placed for adoption

1 and that, except as hereinabove provided, I cannot under any  
2 circumstances, after signing this document, change my mind and  
3 revoke or cancel this consent or obtain or recover custody or  
4 any other rights over such child.

5 That I have read and understand the above and I am signing  
6 it as my free and voluntary act.

7 Dated (insert date).

8 B-3. The form of consent by the biological mother of an  
9 unborn child required for the adoption of an unborn child shall  
10 be substantially as follows:

11 CONSENT BY MOTHER TO ADOPTION OF UNBORN CHILD

12 I, ....., state:

13 That I am the mother of a child expected to be born on or  
14 about .... to me.

15 That I reside at .... County of ....., and State of .....

16 That I am of the age of .... years.

17 That I hereby enter my appearance in such adoption  
18 proceeding and waive service of summons on me.

19 That I do hereby consent and agree to the adoption of such  
20 child, and that I have not previously executed a consent or  
21 surrender with respect to such child.

22 That I wish to and do understand that by signing this  
23 consent I do irrevocably and permanently give up all custody  
24 and other parental rights I have to such child, except that I  
25 have the right to revoke this consent by giving written notice  
26 of my revocation no later than 10 days after the birth of the  
27 child.

28 That I understand such child will be placed for adoption  
29 and that, except as hereinabove provided, I cannot under any  
30 circumstances, after signing this document, change my mind and  
31 revoke or cancel this consent or obtain or recover custody or  
32 any other rights over such child.

33 That I have read and understand the above and I am signing  
34 it as my free and voluntary act.

35 Dated (insert date).

36 .....

1 B-5. (1) The parent of a child may execute a consent to  
2 standby adoption by a specified person or persons. A consent  
3 under this subsection B-5 shall be acknowledged by a parent  
4 pursuant to subsection H and subsection K of this Section. The  
5 form of consent required for the standby adoption of a born  
6 child effective at a future date when the consenting parent of  
7 the child dies or requests that a final judgment of adoption be  
8 entered shall be substantially as follows:

9 FINAL AND IRREVOCABLE CONSENT

10 TO STANDBY ADOPTION

11 I, ..., (relationship, e.g. mother or father) of ..., a  
12 ..male child, state:

13 That the child was born on .... at .....

14 That I reside at ....., County of ....., and State of .....

15 That I am of the age of .... years.

16 That I hereby enter my appearance in this proceeding and  
17 waive service of summons on me in this action only.

18 That I do hereby consent and agree to the standby adoption  
19 of the child, and that I have not previously executed a consent  
20 or surrender with respect to the child.

21 That I wish to and understand that by signing this consent  
22 I do irrevocably and permanently give up all custody and other  
23 parental rights I have to the child, effective upon (my death)  
24 (the child's other parent's death) or upon (my) (the other  
25 parent's) request for the entry of a final judgment for  
26 adoption if ..... (specified person or persons) adopt my child.

27 That I understand that until (I die) (the child's other  
28 parent dies), I retain all legal rights and obligations  
29 concerning the child, but at that time, I irrevocably give all  
30 custody and other parental rights to .... (specified person or  
31 persons).

32 I understand my child will be adopted by ..... (specified  
33 person or persons) only and that I cannot, under any  
34 circumstances, after signing this document, change my mind and  
35 revoke or cancel this consent or obtain or recover custody or  
36 any other rights over my child if ..... (specified person or

1 persons) adopt my child.

2 I understand that this consent to standby adoption is valid  
3 only if the petition for standby adoption is filed and that if  
4 ..... (specified person or persons), for any reason, cannot  
5 or will not file a petition for standby adoption or if his,  
6 her, or their petition for standby adoption is denied, then  
7 this consent is void. I have the right to notice of any other  
8 proceeding that could affect my parental rights.

9 That I have read and understand the above and I am signing  
10 it as my free and voluntary act.

11 Dated (insert date).  
12 .....

13 If under Section 8 the consent of more than one person is  
14 required, then each such person shall execute a separate  
15 consent. A separate consent shall be executed for each child.

16 (2) If the parent consents to a standby adoption by 2  
17 specified persons, then the form shall contain 2 additional  
18 paragraphs in substantially the following form:

19 If .... (specified persons) obtain a judgment of  
20 dissolution of marriage before the judgment for adoption is  
21 entered, then ..... (specified person) shall adopt my child. I  
22 understand that I cannot change my mind and revoke this consent  
23 or obtain or recover custody of my child if ..... (specified  
24 persons) obtain a judgment of dissolution of marriage and .....  
25 (specified person) adopts my child. I understand that I cannot  
26 change my mind and revoke this consent if ..... (specified  
27 persons) obtain a judgment of dissolution of marriage before  
28 the adoption is final. I understand that this consent to  
29 adoption has no effect on who will get custody of my child if  
30 ..... (specified persons) obtain a judgment of dissolution of  
31 marriage after the adoption is final. I understand that if  
32 either ..... (specified persons) dies before the petition to  
33 adopt my child is granted, then the surviving person may adopt  
34 my child. I understand that I cannot change my mind and revoke  
35 this consent or obtain or recover custody of my child if the

1 surviving person adopts my child.

2 A consent to standby adoption by specified persons on this  
3 form shall have no effect on a court's determination of custody  
4 or visitation under the Illinois Marriage and Dissolution of  
5 Marriage Act if the marriage of the specified persons is  
6 dissolved before the adoption is final.

7 (3) The form of the certificate of acknowledgement for a  
8 Final and Irrevocable Consent for Standby Adoption shall be  
9 substantially as follows:

10 STATE OF .....)  
11 ) SS.  
12 COUNTY OF .....)

13 I, ..... (name of Judge or other person) ..... (official  
14 title, name, and address), certify that ....., personally  
15 known to me to be the same person whose name is subscribed to  
16 the foregoing Final and Irrevocable Consent to Standby  
17 Adoption, appeared before me this day in person and  
18 acknowledged that (she) (he) signed and delivered the consent  
19 as (her) (his) free and voluntary act, for the specified  
20 purpose.

21 I have fully explained that this consent to adoption is  
22 valid only if the petition to adopt is filed, and that if the  
23 specified person or persons, for any reason, cannot or will not  
24 adopt the child or if the adoption petition is denied, then  
25 this consent will be void. I have fully explained that if the  
26 specified person or persons adopt the child, by signing this  
27 consent (she) (he) is irrevocably and permanently  
28 relinquishing all parental rights to the child, and (she) (he)  
29 has stated that such is (her) (his) intention and desire.

30 Dated (insert date).

31 Signature.....

32 (4) If a consent to standby adoption is executed in this  
33 form, the consent shall be valid only if the specified person  
34 or persons adopt the child. The consent shall be void if:



1 (a) the specified person or persons do not file a petition  
2 for standby adoption of the child; or

3 (b) a court denies the standby adoption petition.

4 The parent shall not need to take further action to revoke  
5 the consent if the standby adoption by the specified person or  
6 persons does not occur, notwithstanding the provisions of  
7 Section 11 of this Act.

8 C. The form of surrender to any agency given by a parent of  
9 a born child who is to be subsequently placed for adoption  
10 shall be substantially as follows and shall contain such other  
11 facts and statements as the particular agency shall require.

12 FINAL AND IRREVOCABLE SURRENDER

13 FOR PURPOSES OF ADOPTION

14 I, .... (relationship, e.g., mother, father, relative,  
15 guardian) of ....., a ..male child, state:

16 That such child was born on ....., at .....

17 That I reside at ....., County of ....., and State of .....

18 That I am of the age of .... years.

19 That I do hereby surrender and entrust the entire custody  
20 and control of such child to the .... (the "Agency"), a  
21 (public) (licensed) child welfare agency with its principal  
22 office in the City of ....., County of .... and State of .....,  
23 for the purpose of enabling it to care for and supervise the  
24 care of such child, to place such child for adoption and to  
25 consent to the legal adoption of such child.

26 That I hereby grant to the Agency full power and authority  
27 to place such child with any person or persons it may in its  
28 sole discretion select to become the adopting parent or parents  
29 and to consent to the legal adoption of such child by such  
30 person or persons; and to take any and all measures which, in  
31 the judgment of the Agency, may be for the best interests of  
32 such child, including authorizing medical, surgical and dental  
33 care and treatment including inoculation and anaesthesia for  
34 such child.

35 That I wish to and understand that by signing this  
36 surrender I do irrevocably and permanently give up all custody

1 and other parental rights I have to such child.

2 That I understand I cannot under any circumstances, after  
3 signing this surrender, change my mind and revoke or cancel  
4 this surrender or obtain or recover custody or any other rights  
5 over such child.

6 That I have read and understand the above and I am signing  
7 it as my free and voluntary act.

8 Dated (insert date).

9 .....

10 D. The form of surrender to an agency given by a father  
11 ~~parent~~ of an unborn child who is to be subsequently placed for  
12 adoption shall be substantially as follows and shall contain  
13 such other facts and statements as the particular agency shall  
14 require.

15 SURRENDER BY FATHER OF UNBORN CHILD FOR  
16 PURPOSES OF ADOPTION

17 I, .... (father), state:

18 That I am the father of a child expected to be born on or  
19 about .... to .... (name of mother).

20 That I reside at ....., County of ....., and State of .....

21 That I am of the age of .... years.

22 That I do hereby surrender and entrust the entire custody  
23 and control of such child to the .... (the "Agency"), a  
24 (public) (licensed) child welfare agency with its principal  
25 office in the City of ....., County of .... and State of .....,  
26 for the purpose of enabling it to care for and supervise the  
27 care of such child, to place such child for adoption and to  
28 consent to the legal adoption of such child, and that I have  
29 not previously executed a consent or surrender with respect to  
30 such child.

31 That I hereby grant to the Agency full power and authority  
32 to place such child with any person or persons it may in its  
33 sole discretion select to become the adopting parent or parents  
34 and to consent to the legal adoption of such child by such  
35 person or persons; and to take any and all measures which, in  
36 the judgment of the Agency, may be for the best interests of

1 such child, including authorizing medical, surgical and dental  
2 care and treatment, including inoculation and anaesthesia for  
3 such child.

4 That I wish to and understand that by signing this  
5 surrender I do irrevocably and permanently give up all custody  
6 and other parental rights I have to such child.

7 That I understand I cannot under any circumstances, after  
8 signing this surrender, change my mind and revoke or cancel  
9 this surrender or obtain or recover custody or any other rights  
10 over such child, except that I have the right to revoke this  
11 surrender by giving written notice of my revocation not later  
12 than 72 hours after the birth of such child.

13 That I have read and understand the above and I am signing  
14 it as my free and voluntary act.

15 Dated (insert date).  
16 .....

17 D-5. The form of surrender to an agency given by a  
18 biological mother of an unborn child who is to be subsequently  
19 placed for adoption shall be substantially as follows and shall  
20 contain such other facts and statements as the particular  
21 agency shall require.

22 SURRENDER BY MOTHER OF UNBORN CHILD

23 FOR PURPOSES OF ADOPTION

24 I, .... (biological mother), state:

25 That I am the biological mother of a child expected to be  
26 born on or about .... to me.

27 That I reside at ....., County of ....., and State of .....

28 That I am of the age of .... years.

29 That I do hereby surrender and entrust the entire custody  
30 and control of such child to the .... (the "Agency"), a  
31 (public) (licensed) child welfare agency with its principal  
32 office in the City of ....., County of .... and State of .....,  
33 for the purpose of enabling it to care for and supervise the  
34 care of such child, to place such child for adoption and to  
35 consent to the legal adoption of such child, and that I have  
36 not previously executed a consent or surrender with respect to

1 such child.

2 That I hereby grant to the Agency full power and authority  
3 to place such child with any person or persons it may in its  
4 sole discretion select to become the adopting parent or parents  
5 and to consent to the legal adoption of such child by such  
6 person or persons; and to take any and all measures which, in  
7 the judgment of the Agency, may be for the best interests of  
8 such child, including authorizing medical, surgical and dental  
9 care and treatment, including inoculation and anaesthesia for  
10 such child.

11 That I wish to and understand that by signing this  
12 surrender I do irrevocably and permanently give up all custody  
13 and other parental rights I have to such child.

14 That I understand I cannot under any circumstances, after  
15 signing this surrender, change my mind and revoke or cancel  
16 this surrender or obtain or recover custody or any other rights  
17 over such child, except that I have the right to revoke this  
18 surrender by giving written notice of my revocation not later  
19 than 10 days after the birth of such child.

20 That I have read and understand the above and I am  
21 signing it as my free and voluntary act.

22 Dated (insert date).

23 E. The form of consent required from the parents for the  
24 adoption of an adult, when such adult elects to obtain such  
25 consent, shall be substantially as follows:

26 CONSENT

27 I, ....., (father) (mother) of ....., an adult, state:  
28 That I reside at ....., County of .... and State of .....

29 That I do hereby consent and agree to the adoption of such  
30 adult by .... and .....

31 Dated (insert date).  
32 .....

33  
34 F. The form of consent required for the adoption of a child of  
35 the age of 14 years or upwards, or of an adult, to be given by  
36 such person, shall be substantially as follows:

1 CONSENT

2 I, ....., state:

3 That I reside at ....., County of .... and State of .....

4 That I am of the age of .... years. That I consent and agree to  
5 my adoption by .... and .....

6 Dated (insert date).

7 .....

8 G. The form of consent given by an agency to the adoption  
9 by specified persons of a child previously surrendered to it  
10 shall set forth that the agency has the authority to execute  
11 such consent. The form of consent given by a guardian of the  
12 person of a child sought to be adopted, appointed by a court of  
13 competent jurisdiction, shall set forth the facts of such  
14 appointment and the authority of the guardian to execute such  
15 consent.

16 H. A consent (other than that given by an agency, or  
17 guardian of the person of the child sought to be adopted  
18 appointed by a court of competent jurisdiction) shall be  
19 acknowledged by a parent before the presiding judge of the  
20 court in which the petition for adoption has been, or is to be  
21 filed or before any other judge or hearing officer designated  
22 or subsequently approved by the court, or the circuit clerk if  
23 so authorized by the presiding judge or, except as otherwise  
24 provided in this Act, before a representative of the Department  
25 of Children and Family Services or a licensed child welfare  
26 agency, or before social service personnel under the  
27 jurisdiction of a court of competent jurisdiction, or before  
28 social service personnel of the Cook County Department of  
29 Supportive Services designated by the presiding judge.

30 I. A surrender, or any other document equivalent to a  
31 surrender, by which a child is surrendered to an agency shall  
32 be acknowledged by the person signing such surrender, or other  
33 document, before a judge or hearing officer or the clerk of any  
34 court of record, either in this State or any other state of the  
35 United States, or before a representative of an agency or  
36 before any other person designated or approved by the presiding

1 judge of the court in which the petition for adoption has been,  
2 or is to be, filed.

3 J. The form of the certificate of acknowledgment for a  
4 consent, a surrender, or any other document equivalent to a  
5 surrender, shall be substantially as follows:

6 STATE OF ....)  
7 ) SS.  
8 COUNTY OF ...)

9 I, .... (Name of judge or other person), .... (official  
10 title, name and location of court or status or position of  
11 other person), certify that ....., personally known to me to be  
12 the same person whose name is subscribed to the foregoing  
13 (consent) (surrender), appeared before me this day in person  
14 and acknowledged that (she) (he) signed and delivered such  
15 (consent) (surrender) as (her) (his) free and voluntary act,  
16 for the specified purpose.

17 I have fully explained that by signing such (consent)  
18 (surrender) (she) (he) is irrevocably relinquishing all  
19 parental rights to such child or adult and (she) (he) has  
20 stated that such is (her) (his) intention and desire.

21 Dated (insert date).

22 Signature .....

23 K. When the execution of a consent or a surrender is  
24 acknowledged before someone other than a judge or the clerk of  
25 a court of record, such other person shall have his signature  
26 on the certificate acknowledged before a notary public, in form  
27 substantially as follows:

28 STATE OF ....)  
29 ) SS.  
30 COUNTY OF ...)

31 I, a Notary Public, in and for the County of ....., in the  
32 State of ....., certify that ....., personally known to me to  
33 be the same person whose name is subscribed to the foregoing  
34 certificate of acknowledgment, appeared before me in person and  
35 acknowledged that (she) (he) signed such certificate as (her)  
36 (his) free and voluntary act and that the statements made in

1 the certificate are true.

2 Dated (insert date).

3 Signature ..... Notary Public  
4 (official seal)

5 There shall be attached a certificate of magistracy, or  
6 other comparable proof of office of the notary public  
7 satisfactory to the court, to a consent signed and acknowledged  
8 in another state.

9 L. A surrender or consent executed and acknowledged outside  
10 of this State, either in accordance with the law of this State  
11 or in accordance with the law of the place where executed, is  
12 valid.

13 M. Where a consent or a surrender is signed in a foreign  
14 country, the execution of such consent shall be acknowledged or  
15 affirmed in a manner conformable to the law and procedure of  
16 such country.

17 N. If the person signing a consent or surrender is in the  
18 military service of the United States, the execution of such  
19 consent or surrender may be acknowledged before a commissioned  
20 officer and the signature of such officer on such certificate  
21 shall be verified or acknowledged before a notary public or by  
22 such other procedure as is then in effect for such division or  
23 branch of the armed forces.

24 O. (1) The parent or parents of a child in whose interests  
25 a petition under Section 2-13 of the Juvenile Court Act of 1987  
26 is pending may, with the approval of the designated  
27 representative of the Department of Children and Family  
28 Services, execute a consent to adoption by a specified person  
29 or persons:

30 (a) in whose physical custody the child has resided for  
31 at least 6 months; or

32 (b) in whose physical custody at least one sibling of  
33 the child who is the subject of this consent has resided  
34 for at least 6 months, and the child who is the subject of  
35 this consent is currently residing in this foster home; or

1 (c) in whose physical custody a child under one year of  
2 age has resided for at least 3 months.

3 A consent under this subsection O shall be acknowledged by a  
4 parent pursuant to subsection H and subsection K of this  
5 Section.

6 (2) The consent to adoption by a specified person or  
7 persons shall have the caption of the proceeding in which it is  
8 to be filed and shall be substantially as follows:

9 FINAL AND IRREVOCABLE CONSENT TO ADOPTION BY  
10 A SPECIFIED PERSON OR PERSONS

11 I, ....., the  
12 ..... (mother or father) of a ....male child,  
13 state:

14 1. My child ..... (name of  
15 child) was born on (insert date) at .....  
16 Hospital in ..... County, State of  
17 .....

18 2. I reside at ....., County of  
19 ..... and State of .....

20 3. I, ....., am .... years old.

21 4. I enter my appearance in this action to adopt my  
22 child by the person or persons specified herein by me and  
23 waive service of summons on me in this action only.

24 5. I consent to the adoption of my child by  
25 ..... (specified person or  
26 persons) only.

27 6. I wish to sign this consent and I understand that by  
28 signing this consent I irrevocably and permanently give up  
29 all parental rights I have to my child if my child is  
30 adopted by ..... (specified person  
31 or persons).

32 7. I understand my child will be adopted by  
33 ..... (specified person or  
34 persons) only and that I cannot under any circumstances,  
35 after signing this document, change my mind and revoke or  
36 cancel this consent or obtain or recover custody or any



1 other rights over my child if .....  
2 (specified person or persons) adopt my child.

3 8. I understand that this consent to adoption is valid  
4 only if the petition to adopt is filed within one year from  
5 the date that I sign it and that if .....  
6 (specified person or persons), for any reason, cannot or  
7 will not file a petition to adopt my child within that one  
8 year period or if their adoption petition is denied, then  
9 this consent will be voidable after one year upon the  
10 timely filing of my motion. If I file this motion before  
11 the filing of the petition for adoption, I understand that  
12 the court shall revoke this specific consent. I have the  
13 right to notice of any other proceeding that could affect  
14 my parental rights, except for the proceeding for  
15 ..... (specified person or persons) to adopt my  
16 child.

17 9. I have read and understand the above and I am  
18 signing it as my free and voluntary act.

19 Dated (insert date).  
20 .....  
21 Signature of parent

22 (3) If the parent consents to an adoption by 2 specified  
23 persons, then the form shall contain 2 additional paragraphs in  
24 substantially the following form:

25 10. If ..... (specified persons) get a  
26 divorce before the petition to adopt my child is granted,  
27 then ..... (specified person) shall adopt my child. I  
28 understand that I cannot change my mind and revoke this  
29 consent or obtain or recover custody over my child if  
30 ..... (specified persons) divorce and  
31 ..... (specified person) adopts my child. I  
32 understand that I cannot change my mind and revoke this  
33 consent or obtain or recover custody over my child if  
34 ..... (specified persons) divorce after the  
35 adoption is final. I understand that this consent to  
36 adoption has no effect on who will get custody of my child

1 if they divorce after the adoption is final.

2 11. I understand that if either .....  
3 (specified persons) dies before the petition to adopt my  
4 child is granted, then the surviving person can adopt my  
5 child. I understand that I cannot change my mind and revoke  
6 this consent or obtain or recover custody over my child if  
7 the surviving person adopts my child.

8 A consent to adoption by specified persons on this form  
9 shall have no effect on a court's determination of custody or  
10 visitation under the Illinois Marriage and Dissolution of  
11 Marriage Act if the marriage of the specified persons is  
12 dissolved after the adoption is final.

13 (4) The form of the certificate of acknowledgement for a  
14 Final and Irrevocable Consent for Adoption by a Specified  
15 Person or Persons shall be substantially as follows:

16 STATE OF.....)

17 ) SS.

18 COUNTY OF.....)

19 I, ..... (Name of Judge or other person),  
20 ..... (official title, name, and address),  
21 certify that ....., personally known to me to be the  
22 same person whose name is subscribed to the foregoing Final and  
23 Irrevocable Consent for Adoption by a Specified Person or  
24 Persons, appeared before me this day in person and acknowledged  
25 that (she)(he) signed and delivered the consent as (her)(his)  
26 free and voluntary act, for the specified purpose.

27 I have fully explained that this consent to adoption is  
28 valid only if the petition to adopt is filed within one year  
29 from the date that it is signed, and that if the specified  
30 person or persons, for any reason, cannot or will not adopt the  
31 child or if the adoption petition is denied, then this consent  
32 will be voidable after one year upon the timely filing of a  
33 motion by the parent to revoke the consent. I explained that if  
34 this motion is filed before the filing of the petition for

1 adoption, the court shall revoke this specific consent. I have  
 2 fully explained that if the specified person or persons adopt  
 3 the child, by signing this consent this parent is irrevocably  
 4 and permanently relinquishing all parental rights to the child,  
 5 and this parent has stated that such is (her) (his) intention  
 6 and desire.

7 Dated (insert date).

8 .....

9 Signature

10 (5) If a consent to adoption by a specified person or  
 11 persons is executed in this form, the following provisions  
 12 shall apply. The consent shall be valid only if that specified  
 13 person or persons adopt the child. The consent shall be  
 14 voidable after one year if:

15 (a) the specified person or persons do not file a  
 16 petition to adopt the child within one year after the  
 17 consent is signed and the parent files a timely motion to  
 18 revoke this consent. If this motion is filed before the  
 19 filing of the petition for adoption the court shall revoke  
 20 this consent; or

21 (b) a court denies the adoption petition; or

22 (c) the Department of Children and Family Services  
 23 Guardianship Administrator determines that the specified  
 24 person or persons will not or cannot complete the adoption,  
 25 or in the best interests of the child should not adopt the  
 26 child.

27 Within 30 days of the consent becoming void, the Department  
 28 of Children and Family Services Guardianship Administrator  
 29 shall make good faith attempts to notify the parent in writing  
 30 and shall give written notice to the court and all additional  
 31 parties in writing that the adoption has not occurred or will  
 32 not occur and that the consent is void. If the adoption by a  
 33 specified person or persons does not occur, no proceeding for  
 34 termination of parental rights shall be brought unless the  
 35 biological parent who executed the consent to adoption by a  
 36 specified person or persons has been notified of the proceeding

1 pursuant to Section 7 of this Act or subsection (4) of Section  
2 2-13 of the Juvenile Court Act of 1987. The parent shall not  
3 need to take further action to revoke the consent if the  
4 specified adoption does not occur, notwithstanding the  
5 provisions of Section 11 of this Act.

6 (6) The Department of Children and Family Services is  
7 authorized to promulgate rules necessary to implement this  
8 subsection O.

9 (7) The Department shall collect and maintain data  
10 concerning the efficacy of specific consents. This data shall  
11 include the number of specific consents executed and their  
12 outcomes, including but not limited to the number of children  
13 adopted pursuant to the consents, the number of children for  
14 whom adoptions are not completed, and the reason or reasons why  
15 the adoptions are not completed.

16 (Source: P.A. 92-320, eff. 1-1-02; 93-732, eff. 1-1-05.)

17 (750 ILCS 50/11) (from Ch. 40, par. 1513)

18 Sec. 11. Consents, surrenders, irrevocability.

19 (a) A consent to adoption or standby adoption by a parent,  
20 including a minor, executed and acknowledged in accordance with  
21 the provisions of Section 8 of this Act, or a surrender of a  
22 child by a parent, including a minor, to an agency for the  
23 purpose of adoption shall be irrevocable, except as provided in  
24 subsection (a-5), unless it shall have been obtained by fraud  
25 or duress on the part of the person before whom such consent,  
26 surrender, or other document equivalent to a surrender is  
27 acknowledged pursuant to the provisions of Section 10 of this  
28 Act or on the part of the adopting parents or their agents and  
29 a court of competent jurisdiction shall so find. No action to  
30 void or revoke a consent to or surrender for adoption,  
31 including an action based on fraud or duress, may be commenced  
32 after 12 months from the date the consent or surrender was  
33 executed. The consent or surrender of a parent who is a minor  
34 shall not be voidable because of such minority.

35 (a-5) A consent to adoption or standby adoption by a

1 biological mother, including a minor, executed and  
 2 acknowledged in accordance with the provisions of Section 8 of  
 3 this Act, or a surrender of a child by a biological mother,  
 4 including a minor, to an agency for the purpose of adoption  
 5 shall be revoked if, within 10 days after the execution and  
 6 acknowledgement, the biological mother notifies in writing the  
 7 person, agency, or court representative who took the surrender  
 8 or consent, or any individual representing or connected with  
 9 such person, agency, or court representative of the consent. No  
 10 action to void or revoke a consent to or surrender for  
 11 adoption, including an action based on fraud or duress, may be  
 12 commenced after 12 months from the date the consent or  
 13 surrender was executed. The consent or surrender of a parent  
 14 who is a minor shall not be voidable because of such minority.

15 (b) The petitioners in an adoption proceeding are entitled  
 16 to rely upon a sworn statement of the biological mother of the  
 17 child to be adopted identifying the father of her child. The  
 18 affidavit shall be conclusive evidence as to the biological  
 19 mother regarding the facts stated therein, and shall create a  
 20 rebuttable presumption of truth as to the biological father  
 21 only. Except as provided in Section 11 of this Act, the  
 22 biological mother of the child shall be permanently barred from  
 23 attacking the proceeding thereafter. The biological mother  
 24 shall execute such affidavit in writing and under oath. The  
 25 affidavit shall be executed by the biological mother before or  
 26 at the time of execution of the consent or surrender, and shall  
 27 be retained by the court and be a part of the Court's files.  
 28 The form of affidavit shall be substantially as follows:

29 AFFIDAVIT OF IDENTIFICATION

30 I, ....., the mother of a (male or female)  
 31 child, state under oath or affirm as follows:

32 (1) That the child was born, or is expected to be born, on  
 33 (insert date), at ....., in the State of  
 34 .....

35 (2) That I reside at ....., in the City or  
 36 Village of ....., State of .....

1 (3) That I am of the age of ..... years.

2 (4) That I acknowledge that I have been asked to identify  
3 the father of my child.

4 (5) (CHECK ONE)

5 .... I know and am identifying the biological father.

6 .... I do not know the identity of the biological father.

7 .... I am unwilling to identify the biological father.

8 (6A) If I know and am identifying the father:

9 That the name of the biological father is  
10 .....; his last known home address is  
11 .....; his last known work address is  
12 .....; and he is ..... years of age; or he is  
13 deceased, having died on (insert date) at ....., in  
14 the State of .....

15 (6B) If I do not know the identity of the biological  
16 father:

17 I do not know who the biological father is; the following  
18 is an explanation of why I am unable to identify him:

19 .....  
20 .....  
21 .....

22 (6C) If I am unwilling to identify the biological father:

23 I do not wish to name the biological father of the child  
24 for the following reasons:

25 .....  
26 .....  
27 .....

28 (7) The physical description of the biological father is:

29 .....  
30 .....

31 (8) I reaffirm that the information contained in paragraphs  
32 5, 6, and 7, inclusive, is true and correct.

33 (9) (CHECK ONE)

34 .... I have been informed and understand that if I am  
35 unwilling, refuse to identify, or misidentify the biological  
36 father of the child, absent fraud or duress, I am permanently

1 barred from attacking the proceedings for the adoption of the  
2 child at any time after I sign a final and irrevocable consent  
3 to adoption or surrender for purposes of adoption.

4 .... I have been informed and understand that as to the  
5 child born to me within the last 60 days, if I am unwilling,  
6 refuse to identify, or misidentify the biological father of the  
7 child, absent fraud or duress, I am permanently barred from  
8 attacking the proceedings for the adoption of the child at any  
9 time 10 days after I sign a final and irrevocable consent to  
10 adoption or surrender for purposes of adoption. That I  
11 understand such child will be placed for adoption and that I  
12 cannot under any circumstances, after signing this surrender,  
13 change my mind and revoke or cancel this surrender or obtain or  
14 recover custody or any other rights over such child, except  
15 that I have the right to revoke this affidavit of  
16 identification by giving written notice of my revocation within  
17 10 days after I sign this affidavit, provided that I signed  
18 this affidavit no later than 60 days after the birth of such  
19 child.

20 (10) I have read this Affidavit and have had the  
21 opportunity to review and question it; it was explained to me  
22 by .....; and I am signing it as my free  
23 and voluntary act and understand the contents and the results  
24 of signing it.

25 Dated (insert date).

26 .....  
27 Signature

28 Under penalties as provided by law under Section 1-109 of  
29 the Code of Civil Procedure, the undersigned certifies that the  
30 statements set forth in this Affidavit are true and correct.

31 .....  
32 Signature

33 (Source: P.A. 91-357, eff. 7-29-99; 91-572, eff. 1-1-00.)