



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0243

Introduced 1/20/2009, by Rep. Robert W. Pritchard

SYNOPSIS AS INTRODUCED:

750 ILCS 50/2

from Ch. 40, par. 1502

Amends the Adoption Act. Provides that it is the public policy of the State of Illinois that a reputable person of legal age and of either sex who is married and has not been living separate and apart from his or her spouse for 12 months or longer may institute an intercountry adoption proceeding without the person's spouse being a party to the adoption proceeding and without the adoption being by both spouses jointly if: the person is under no legal disability; the person has resided in the State of Illinois continuously for a period of at least 6 months immediately preceding the commencement of the intercountry adoption proceeding or is a member of the armed forces of the United States who has been domiciled in the State of Illinois for 90 days; and the person's spouse consents in writing to the granting of the intercountry adoption without the spouse being a party to the proceeding. Provides that, regardless of where an intercountry adoption proceeding is brought or is planned to be brought, the Department of Children and Family Services shall exercise its powers and duties with respect to an intercountry adoption proceeding meeting the above requirements in the same manner in which the Department of Children and Family Services exercises its powers and duties with respect to an adoption meeting existing statutory requirements. Effective immediately.

LRB096 03307 AJ0 13326 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 2 as follows:

6 (750 ILCS 50/2) (from Ch. 40, par. 1502)

7 Sec. 2. Who may adopt a child.

8 A. Any of the following persons, who is under no legal
9 disability (except the minority specified in sub-paragraph
10 (b)) and who has resided in the State of Illinois continuously
11 for a period of at least 6 months immediately preceding the
12 commencement of an adoption proceeding, or any member of the
13 armed forces of the United States who has been domiciled in the
14 State of Illinois for 90 days, may institute such proceeding:

15 (a) A reputable person of legal age and of either sex,
16 provided that if such person is married and has not been
17 living separate and apart from his or her spouse for 12
18 months or longer, his or her spouse shall be a party to the
19 adoption proceeding, including a husband or wife desiring
20 to adopt a child of the other spouse, in all of which cases
21 the adoption shall be by both spouses jointly, except as
22 provided in subsection A-5 of this Section;

23 (b) A minor, by leave of court upon good cause shown.

1 A-5. It is the public policy of the State of Illinois that
2 a reputable person of legal age and of either sex who is
3 married and has not been living separate and apart from his or
4 her spouse for 12 months or longer may institute an
5 intercountry adoption proceeding without the person's spouse
6 being a party to the adoption proceeding and without the
7 adoption being by both spouses jointly if:

8 (1) the person is under no legal disability;

9 (2) the person (a) has resided in the State of Illinois
10 continuously for a period of at least 6 months immediately
11 preceding the commencement of the intercountry adoption
12 proceeding or (b) is a member of the armed forces of the
13 United States who has been domiciled in the State of
14 Illinois for 90 days; and

15 (3) the person's spouse consents in writing to the
16 granting of the intercountry adoption without the spouse
17 being a party to the proceeding.

18 Regardless of where an intercountry adoption proceeding is
19 brought or is planned to be brought, the Department of Children
20 and Family Services shall exercise its powers and duties with
21 respect to an intercountry adoption proceeding meeting the
22 requirements of this subsection A-5 in the same manner in which
23 the Department of Children and Family Services exercises its
24 powers and duties with respect to an adoption proceeding
25 meeting the requirements of subsection A of this Section.

26 B. The residence requirement specified in paragraph A of

1 this Section shall not apply to an adoption of a related child
2 or to an adoption of a child placed by an agency.

3 (Source: P.A. 90-608, eff. 6-30-98; revised 10-23-08.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.