



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB3881

Introduced 2/26/2009, by Rep. Shane Cultra

SYNOPSIS AS INTRODUCED:

225 ILCS 10/2.08
750 ILCS 50/4.1

from Ch. 23, par. 2212.08
from Ch. 40, par. 1506

Amends the Child Care Act of 1969. Adds religious institutions to the term description of "child welfare agency" so that it now includes agencies established by a political subdivision to protect, guard, train or care for children outside their own homes and all agencies, persons, groups of persons, associations, organizations, corporations, institutions, religious institutions, centers, or groups providing adoption services. Amends the Adoption Act. Provides that a church, synagogue, temple, mosque, or other religious institution that is an agency providing adoption services as defined in Section 2.24 of the Child Care Act of 1969 and that is licensed as a child welfare agency as defined in Section 2.08 of the Child Care Act of 1969 may adopt faith-based policies and practices relating to the placement of children for adoption which provide for the placement of a child with a prospective adoptive parent who holds the same religious beliefs as those held by that religious institution, while maintaining the welfare of the child as the primary consideration in the placement.

LRB096 02916 AJO 22074 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 Child Care Act of 1969 is amended by
5 changing Section 2.08 as follows:

6 (225 ILCS 10/2.08) (from Ch. 23, par. 2212.08)

7 Sec. 2.08. "Child welfare agency" means a public or private
8 child care facility, receiving any child or children for the
9 purpose of placing or arranging for the placement or free care
10 of the child or children in foster family homes, unlicensed
11 pre-adoptive and adoptive homes, or other facilities for child
12 care, apart from the custody of the child's or children's
13 parents. The term "child welfare agency" includes all agencies
14 established and maintained by a municipality or other political
15 subdivision of the State of Illinois to protect, guard, train
16 or care for children outside their own homes and all agencies,
17 persons, groups of persons, associations, organizations,
18 corporations, institutions, religious institutions, centers,
19 or groups providing adoption services, but does not include any
20 circuit court or duly appointed juvenile probation officer or
21 youth counselor of the court who receives and places children
22 under an order of the court.

23 (Source: P.A. 94-586, eff. 8-15-05.)

1 Section 10. The Adoption Act is amended by changing Section
2 4.1 as follows:

3 (750 ILCS 50/4.1) (from Ch. 40, par. 1506)

4 Sec. 4.1. Except for children placed with relatives by the
5 Department of Children and Family Services pursuant to
6 subsection (b) of Section 7 of the Children and Family Services
7 Act, placements under this Act shall comply with the Child Care
8 Act of 1969 and the Interstate Compact on the Placement of
9 Children. Placements of children born outside the United States
10 or a territory thereof shall comply with rules promulgated by
11 the United States Department of Immigration and
12 Naturalization.

13 Rules promulgated by the Department of Children and Family
14 Services shall include but not be limited to the following:

15 (a) Any agency providing adoption services as defined in
16 Section 2.24 of the Child Care Act of 1969 in this State:

17 (i) Shall be licensed in this State as a child welfare
18 agency as defined in Section 2.08 of the Child Care Act of
19 1969; or

20 (ii) Shall be licensed as a child placement agency in a
21 state which is a party to the Interstate Compact on the
22 Placement of Children and shall be approved by the
23 Department to place children into Illinois in accordance
24 with subsection (a-5) of this Section; or

1 (iii) Shall be licensed as a child placement agency in
2 a country other than the United States or, if located in
3 such a country but not so licensed, shall provide
4 information such as a license or court document which
5 authorizes that agency to place children for adoption and
6 to establish that such agency has legal authority to place
7 children for adoption; or

8 (iv) Shall be a child placement agency which is so
9 licensed in a non-compact state and shall be approved by
10 the Department to place children into Illinois in
11 accordance with subsection (a-5) of this Section, if such
12 agency first files with the Department of Children and
13 Family Services a bond with surety in the amount of \$5,000
14 for each such child to ensure that such child shall not
15 become a public charge upon this State. Such bond shall
16 remain in effect until a judgment for adoption is entered
17 with respect to such child pursuant to this Act. The
18 Department of Children and Family Services may accept, in
19 lieu of such bond, a written agreement with such agency
20 which provides that such agency shall be liable for all
21 costs associated with the placement of such child in the
22 event a judgment of adoption is not entered, upon such
23 terms and conditions as the Department deems appropriate.

24 (a-3) Notwithstanding other provisions of this Act, a
25 church, synagogue, temple, mosque, or other religious
26 institution that is an agency providing adoption services as

1 defined in Section 2.24 of the Child Care Act of 1969 and that
2 is licensed as a child welfare agency as defined in Section
3 2.08 of the Child Care Act of 1969 may adopt faith-based
4 policies and practices relating to the placement of children
5 for adoption which provide for the placement of a child with a
6 prospective adoptive parent who holds the same religious
7 beliefs as those held by that religious institution, while
8 maintaining the welfare of the child as the primary
9 consideration in the placement.

10 The rules shall also provide that any agency that places
11 children for adoption in this State may not, in any policy or
12 practice relating to the placement of children for adoption,
13 discriminate against any child or prospective adoptive parent
14 on the basis of race.

15 (a-5) Out-of-state private placing agencies that seek to
16 place children into Illinois for the purpose of foster care or
17 adoption shall provide all of the following to the Department:

18 (i) A copy of the agency's current license or other
19 form of authorization from the approving authority in the
20 agency's state. If no such license or authorization is
21 issued, the agency must provide a reference statement from
22 the approving authority stating the agency is authorized to
23 place children in foster care or adoption or both in its
24 jurisdiction.

25 (ii) A description of the program, including home
26 studies, placements, and supervisions that the child

1 placing agency conducts within its geographical area, and,
2 if applicable, adoptive placements and the finalization of
3 adoptions. The child placing agency must accept continued
4 responsibility for placement planning and replacement if
5 the placement fails.

6 (iii) Notification to the Department of any
7 significant child placing agency changes after approval.

8 (iv) Any other information the Department may require.

9 If the adoption is finalized prior to bringing or sending
10 the child to Illinois, Department approval of the out-of-state
11 child placing agency involved is not required under this
12 Section, nor is compliance with the Interstate Compact on the
13 Placement of Children.

14 (b) As an alternative to requiring the bond provided for in
15 paragraph (a)(iv) of this Section, the Department of Children
16 and Family Services may require the filing of such a bond by
17 the individual or individuals seeking to adopt such a child
18 through placement of such child by a child placement agency
19 located in a state which is not a party to the Interstate
20 Compact on the Placement of Children.

21 (c) In the case of any foreign-born child brought to the
22 United States for adoption in this State, the following
23 preadoption requirements shall be met:

24 (1) Documentation that the child is legally free for
25 adoption prior to entry into the United States shall be
26 submitted.

1 (2) A medical report on the child, by authorized
2 medical personnel in the country of the child's origin,
3 shall be provided when such personnel are available.

4 (3) Verification that the adoptive family has been
5 licensed as a foster family home pursuant to the Child Care
6 Act of 1969, as now or hereafter amended, shall be
7 provided.

8 (4) A valid home study conducted by a licensed child
9 welfare agency that complies with guidelines established
10 by the United States Immigration and Naturalization
11 Service at 8 CFR 204.4(d)(2)(i), as now or hereafter
12 amended, shall be submitted. A home study is considered
13 valid if it contains:

14 (i) A factual evaluation of the financial,
15 physical, mental and moral capabilities of the
16 prospective parent or parents to rear and educate the
17 child properly.

18 (ii) A detailed description of the living
19 accommodations where the prospective parent or parents
20 currently reside.

21 (iii) A detailed description of the living
22 accommodations in the United States where the child
23 will reside, if known.

24 (iv) A statement or attachment recommending the
25 proposed adoption signed by an official of the child
26 welfare agency which has conducted the home study.

1 (5) The placing agency located in a non-compact state
2 or a family desiring to adopt through an authorized
3 placement party in a non-compact state or a foreign country
4 shall file with the Department of Children and Family
5 Services a bond with surety in the amount of \$5,000 as
6 protection that a foreign-born child accepted for care or
7 supervision not become a public charge upon the State of
8 Illinois.

9 (6) In lieu of the \$5,000 bond, the placement agency
10 may sign a binding agreement with the Department of
11 Children and Family Services to assume full liability for
12 all placements should, for any reason, the adoption be
13 disrupted or not be completed, including financial and
14 planning responsibility until the child is either returned
15 to the country of its origin or placed with a new adoptive
16 family in the United States and that adoption is finalized.

17 (7) Compliance with the requirements of the Interstate
18 Compact on the Placement of Children, when applicable,
19 shall be demonstrated.

20 (8) When a child is adopted in a foreign country and a
21 final, complete and valid Order of Adoption is issued in
22 that country, as determined by both the United States
23 Department of State and the United States Department of
24 Justice, this State shall not impose any additional
25 preadoption requirements. The adoptive family, however,
26 must comply with applicable requirements of the United

1 States Department of Immigration and Naturalization as
2 provided in 8 CFR 204.4 (d)(2)(ii), as now or hereafter
3 amended.

4 (d) The Department of Children and Family Services shall
5 maintain the office of Intercountry Adoption Coordinator,
6 shall maintain and protect the rights of families and children
7 participating in adoption of foreign born children, and shall
8 develop ongoing programs of support and services to such
9 families and children. The Intercountry Adoption Coordinator
10 shall determine that all preadoption requirements have been met
11 and report such information to the Department of Immigration
12 and Naturalization.

13 (Source: P.A. 94-586, eff. 8-15-05.)