



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB5699

Introduced 2/9/2010, 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. Includes religious institutions in the definition of "child welfare agency". 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 the Child Care Act of 1969 and that is licensed as a child welfare agency as defined in the Child Care Act of 1969 may adopt faith-based policies and practices relating to the placement of children for adoption that 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 17702 AJ0 33066 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.)