

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 Abused and Neglected Child Reporting Act is
5 amended by changing Section 3 as follows:

6 (325 ILCS 5/3) (from Ch. 23, par. 2053)

7 Sec. 3. As used in this Act unless the context otherwise
8 requires:

9 "Adult resident" means any person between 18 and 22 years
10 of age who resides in any facility licensed by the Department
11 under the Child Care Act of 1969. For purposes of this Act, the
12 criteria set forth in the definitions of "abused child" and
13 "neglected child" shall be used in determining whether an adult
14 resident is abused or neglected.

15 "Child" means any person under the age of 18 years, unless
16 legally emancipated by reason of marriage or entry into a
17 branch of the United States armed services.

18 "Department" means Department of Children and Family
19 Services.

20 "Local law enforcement agency" means the police of a city,
21 town, village or other incorporated area or the sheriff of an
22 unincorporated area or any sworn officer of the Illinois
23 Department of State Police.

1 "Abused child" means a child whose parent or immediate
2 family member, or any person responsible for the child's
3 welfare, or any individual residing in the same home as the
4 child, or a paramour of the child's parent:

5 (a) inflicts, causes to be inflicted, or allows to be
6 inflicted upon such child physical injury, by other than
7 accidental means, which causes death, disfigurement,
8 impairment of physical or emotional health, or loss or
9 impairment of any bodily function;

10 (b) creates a substantial risk of physical injury to
11 such child by other than accidental means which would be
12 likely to cause death, disfigurement, impairment of
13 physical or emotional health, or loss or impairment of any
14 bodily function;

15 (c) commits or allows to be committed any sex offense
16 against such child, as such sex offenses are defined in the
17 Criminal Code of 1961, as amended, or in the Wrongs to
18 Children Act, and extending those definitions of sex
19 offenses to include children under 18 years of age;

20 (d) commits or allows to be committed an act or acts of
21 torture upon such child;

22 (e) inflicts excessive corporal punishment;

23 (f) commits or allows to be committed the offense of
24 female genital mutilation, as defined in Section 12-34 of
25 the Criminal Code of 1961, against the child;

26 (g) causes to be sold, transferred, distributed, or

1 given to such child under 18 years of age, a controlled
2 substance as defined in Section 102 of the Illinois
3 Controlled Substances Act in violation of Article IV of the
4 Illinois Controlled Substances Act or in violation of the
5 Methamphetamine Control and Community Protection Act,
6 except for controlled substances that are prescribed in
7 accordance with Article III of the Illinois Controlled
8 Substances Act and are dispensed to such child in a manner
9 that substantially complies with the prescription; or

10 (h) commits or allows to be committed the offense of
11 involuntary servitude, involuntary sexual servitude of a
12 minor, or trafficking in persons for forced labor or
13 services as defined in Section 10-9 of the Criminal Code of
14 1961 against the child.

15 A child shall not be considered abused for the sole reason
16 that the child has been relinquished in accordance with the
17 Abandoned Newborn Infant Protection Act.

18 "Neglected child" means any child who is not receiving the
19 proper or necessary nourishment or medically indicated
20 treatment including food or care not provided solely on the
21 basis of the present or anticipated mental or physical
22 impairment as determined by a physician acting alone or in
23 consultation with other physicians or otherwise is not
24 receiving the proper or necessary support or medical or other
25 remedial care recognized under State law as necessary for a
26 child's well-being, or other care necessary for his or her

1 well-being, including adequate food, clothing and shelter; or
2 who is abandoned by his or her parents or other person
3 responsible for the child's welfare without a proper plan of
4 care; or who has been provided with interim crisis intervention
5 services under Section 3-5 of the Juvenile Court Act of 1987
6 and whose parent, guardian, or custodian refuses to permit the
7 child to return home and no other living arrangement agreeable
8 to the parent, guardian, or custodian can be made, and the
9 parent, guardian, or custodian has not made any other
10 appropriate living arrangement for the child; or who is a
11 newborn infant whose blood, urine, or meconium contains any
12 amount of a controlled substance as defined in subsection (f)
13 of Section 102 of the Illinois Controlled Substances Act or a
14 metabolite thereof, with the exception of a controlled
15 substance or metabolite thereof whose presence in the newborn
16 infant is the result of medical treatment administered to the
17 mother or the newborn infant. A child shall not be considered
18 neglected for the sole reason that the child's parent or other
19 person responsible for his or her welfare has left the child in
20 the care of an adult relative for any period of time. A child
21 shall not be considered neglected for the sole reason that the
22 child has been relinquished in accordance with the Abandoned
23 Newborn Infant Protection Act. A child shall not be considered
24 neglected or abused for the sole reason that such child's
25 parent or other person responsible for his or her welfare
26 depends upon spiritual means through prayer alone for the

1 treatment or cure of disease or remedial care as provided under
2 Section 4 of this Act. A child shall not be considered
3 neglected or abused solely because the child is not attending
4 school in accordance with the requirements of Article 26 of The
5 School Code, as amended.

6 "Child Protective Service Unit" means certain specialized
7 State employees of the Department assigned by the Director to
8 perform the duties and responsibilities as provided under
9 Section 7.2 of this Act.

10 "Person responsible for the child's welfare" means the
11 child's parent; guardian; foster parent; relative caregiver;
12 any person responsible for the child's welfare in a public or
13 private residential agency or institution; any person
14 responsible for the child's welfare within a public or private
15 profit or not for profit child care facility; or any other
16 person responsible for the child's welfare at the time of the
17 alleged abuse or neglect, including any person that is the
18 custodian of a child under 18 years of age who commits or
19 allows to be committed, against the child, the offense of
20 involuntary servitude, involuntary sexual servitude of a
21 minor, or trafficking in persons for forced labor or services,
22 as provided in Section 10-9 of the Criminal Code of 1961, or
23 any person who came to know the child through an official
24 capacity or position of trust, including but not limited to
25 health care professionals, educational personnel, recreational
26 supervisors, members of the clergy, and volunteers or support

1 personnel in any setting where children may be subject to abuse
2 or neglect.

3 "Temporary protective custody" means custody within a
4 hospital or other medical facility or a place previously
5 designated for such custody by the Department, subject to
6 review by the Court, including a licensed foster home, group
7 home, or other institution; but such place shall not be a jail
8 or other place for the detention of criminal or juvenile
9 offenders.

10 "An unfounded report" means any report made under this Act
11 for which it is determined after an investigation that no
12 credible evidence of abuse or neglect exists.

13 "An indicated report" means a report made under this Act if
14 an investigation determines that credible evidence of the
15 alleged abuse or neglect exists.

16 "An undetermined report" means any report made under this
17 Act in which it was not possible to initiate or complete an
18 investigation on the basis of information provided to the
19 Department.

20 "Subject of report" means any child reported to the central
21 register of child abuse and neglect established under Section
22 7.7 of this Act as an alleged victim of child abuse or neglect
23 and the parent or guardian of the alleged victim or other
24 person responsible for the alleged victim's welfare who is
25 named in the report or added to the report as an alleged
26 perpetrator of child abuse or neglect.

1 "Perpetrator" means a person who, as a result of
2 investigation, has been determined by the Department to have
3 caused child abuse or neglect.

4 "Member of the clergy" means a clergyman or practitioner of
5 any religious denomination accredited by the religious body to
6 which he or she belongs.

7 (Source: P.A. 96-1196, eff. 1-1-11; 96-1446, eff. 8-20-10;
8 96-1464, eff. 8-20-10; 97-333, eff. 8-12-11.)

9 Section 10. The Adoption Act is amended by changing
10 Sections 10 and 18.3a and by adding Section 18.08 as follows:

11 (750 ILCS 50/10) (from Ch. 40, par. 1512)

12 Sec. 10. Forms of consent and surrender; execution and
13 acknowledgment thereof.

14 A. The form of consent required for the adoption of a born
15 child shall be substantially as follows:

16 FINAL AND IRREVOCABLE CONSENT TO ADOPTION

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

19 That such child was born on at

20 That I reside at, County of and State of

21 That I am of the age of years.

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

24 That I hereby acknowledge that I have been provided with a

1 copy of the Birth Parent Rights and Responsibilities-Private
 2 Form before signing this Consent and that I have had time to
 3 read, or have had read to me, this Form. I understand that if I
 4 do not receive any of the rights as described in this Form, it
 5 shall not constitute a basis to revoke this Final and
 6 Irrevocable Consent.

7 That I do hereby consent and agree to the adoption of such
 8 child.

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

12 That I understand such child will be placed for adoption
 13 and that I cannot under any circumstances, after signing this
 14 document, change my mind and revoke or cancel this consent or
 15 obtain or recover custody or any other rights over such child.
 16 That I have read and understand the above and I am signing it
 17 as my free and voluntary act.

18 Dated (insert date).

19

20 If under Section 8 the consent of more than one person is
 21 required, then each such person shall execute a separate
 22 consent.

23 A-1. (1) The form of the Final and Irrevocable Consent to
 24 Adoption by a Specified Person or Persons: Non-DCFS Case set
 25 forth in this subsection A-1 is to be used by legal parents

1 only. This form is not to be used in cases in which there is a
2 pending petition under Section 2-13 of the Juvenile Court Act
3 of 1987.

4 (2) The form of the Final and Irrevocable Consent to
5 Adoption by a Specified Person or Persons in a non-DCFS case
6 shall have the caption of the proceeding in which it is to be
7 filed and shall be substantially as follows:

8 FINAL AND IRREVOCABLE CONSENT TO ADOPTION BY

9 A SPECIFIED PERSON OR PERSONS; NON-DCFS CASE

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

12 1. That such child was born on, at, City of ...
13 and State of

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

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

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

18 5. That I hereby acknowledge that I have been provided a
19 copy of the Birth Parent Rights and Responsibilities-Private
20 Form before signing this Consent and that I have had time to
21 read, or have had read to me, this Form and that I understand
22 the Rights and Responsibilities described in this Form. I
23 understand that if I do not receive any of my rights as
24 described in said Form, it shall not constitute a basis to
25 revoke this Final and Irrevocable Consent to Adoption by a
26 Specified Person.

1 6. That I do hereby consent and agree to the adoption of
2 such child by (specified persons) only.

3 7. That I wish to and understand that upon signing this
4 consent I do irrevocably and permanently give up all custody
5 and other parental rights I have to such child if such child is
6 adopted by (specified person or persons). I hereby
7 transfer all of my rights to the custody, care and control of
8 such child to (specified person
9 or persons).

10 8. That I understand such child will be adopted by
11 (specified person or persons) and that
12 I cannot under any circumstances, after signing this document,
13 change my mind and revoke or cancel this consent or obtain or
14 recover custody or any other rights over such child if
15 (specified person or persons)
16 adopt(s) such child; PROVIDED that each specified person has
17 filed or shall file, within 60 days from the date hereof, a
18 petition for the adoption of such child.

19 9. That if the specified person or persons designated
20 herein do not file a petition for adoption within the
21 time-frame specified above, or, if said petition for adoption
22 is filed within the time-frame specified above but the adoption
23 petition is dismissed with prejudice or the adoption proceeding
24 is otherwise concluded without an order declaring the child to
25 be the adopted child of the specified person or persons, then I
26 understand that I will receive written notice of such

1 circumstances within 10 business days of their occurrence. I
2 understand that the notice will be directed to me using the
3 contact information I have provided in this consent. I
4 understand that I will have 10 business days from the date that
5 the written notice is sent to me to respond, within which time
6 I may request the Court to declare this consent voidable and
7 return the child to me. I further understand that the Court
8 will make the final decision of whether or not the child will
9 be returned to me. If I do not make such request within 10
10 business days of the date of the notice, then I expressly waive
11 any other notice or service of process in any legal proceeding
12 for the adoption of the child.

13 10. That I expressly acknowledge that nothing in this
14 Consent impairs the validity and absolute finality of this
15 Consent under any circumstance other than those described in
16 paragraph 9 of this Consent.

17 11. That I understand that I have a remaining duty and
18 obligation to keep (insert name and address of
19 the attorney for the specified person or persons) informed of
20 my current address or other preferred contact information until
21 this adoption has been finalized. My failure to do so may
22 result in the termination of my parental rights and the child
23 being placed for adoption in another home.

24 12. That I do expressly waive any other notice or service
25 of process in any of the legal proceedings for the adoption of
26 the child as long as the adoption proceeding by the specified

1 person or persons is pending.

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

4 14. That I acknowledge that this consent is valid even if
5 the specified person or persons separate or divorce or one of
6 the specified persons dies prior to the entry of the final
7 judgment for adoption.

8 Dated (insert date).

9

10 Signature of parent.

11

12 Address of parent.

13

14 Phone number(s) of parent.

15

16 Personal email(s) of parent.

17

18 (3) The form of the certificate of acknowledgement for a
19 Final and Irrevocable Consent for Adoption by a Specified
20 Person or Persons: Non-DCFS Case shall be substantially as
21 follows:

22 STATE OF)

23) SS.

24 COUNTY OF)

25 I, (Name of Judge or other person),

1 (official title, name, and address),
2 certify that, personally known to me to be the
3 same person whose name is subscribed to the foregoing Final and
4 Irrevocable Consent for Adoption by a Specified Person or
5 Persons; non-DCFS case, appeared before me this day in person
6 and acknowledged that (she)(he) signed and delivered the
7 consent as (her)(his) free and voluntary act, for the specified
8 purpose. I am further satisfied that, before signing this
9 Consent, has read, or has had read to him or her, the
10 Birth Parent Rights and Responsibilities-Private Form.

11 A-2. Birth Parent Rights and Responsibilities-Private
12 Form. The Birth Parent Rights and Responsibilities-Private
13 Form must be read by, or have been read to, any person
14 executing a Final and Irrevocable Consent to Adoption under
15 subsection A, a Final and Irrevocable Consent to Adoption by a
16 Specified Person or Persons: Non-DCFS Case under subsection
17 A-1, or a Consent to Adoption of Unborn Child under subsection
18 B prior to the execution of said Consent. The form of the Birth
19 Parent Rights and Responsibilities-Private Form shall be
20 substantially as follows:

21 Birth Parent Rights and Responsibilities-Private Form

22 As a birth parent in the State of Illinois, you have the
23 right:

24 1. To have your own attorney represent you. The prospective
25 adoptive parents may agree to pay for the cost of your attorney
26 in a manner consistent with Illinois law, but they are not

1 required to do so.

2 2. To be treated with dignity and respect at all times and
3 to make decisions free from coercion and pressure.

4 3. To receive counseling before and after signing a Final
5 and Irrevocable Consent to Adoption ("Consent"), a Final and
6 Irrevocable Consent to Adoption by a Specified Person or
7 Persons: Non-DCFS Case ("Specified Consent"), or a Consent to
8 Adoption of Unborn Child ("Unborn Consent"). The prospective
9 adoptive parents may agree to pay for the cost of counseling in
10 a manner consistent with Illinois law, but they are not
11 required to do so.

12 4. To ask to be involved in choosing your child's
13 prospective adoptive parents and to ask to meet them.

14 5. To ask your child's prospective adoptive parents any
15 questions that pertain to your decision to place your child
16 with them.

17 6. To see your child before signing a Consent or Specified
18 Consent.

19 7. To request contact with your child and/or the child's
20 prospective adoptive parents, with the understanding that any
21 promises regarding contact with your child or receipt of
22 information about the child after signing a Consent, Specified
23 Consent, or Unborn Consent cannot be enforced under Illinois
24 law.

25 8. To receive copies of all documents that you sign and
26 have those documents provided to you in your preferred

1 language.

2 9. To request that your identifying information remain
3 confidential, unless required otherwise by Illinois law or
4 court order, and to register with the Illinois Adoption
5 Registry and Medical Information Exchange.

6 10. To work with an adoption agency or attorney of your
7 choice, or change said agency or attorney, provided you
8 promptly inform all of the parties currently involved.

9 11. To receive, upon request, a written list of any
10 promised support, financial or otherwise, from your attorney or
11 the attorney for your child's prospective adoptive parents.

12 12. To delay signing a Consent, Specified Consent, or
13 Unborn Consent if you are not ready to do so.

14 13. To decline to sign a Consent, Specified Consent, or
15 Unborn Consent even if you have received financial support from
16 the prospective adoptive parents.

17 If you do not receive any of the rights described in this
18 Form, it shall not be a basis to revoke a Consent, Specified
19 Consent, or Unborn Consent.

20 As a Birth Parent in the State of Illinois, you have the
21 responsibility:

22 1. To carefully consider your reasons for choosing
23 adoption.

24 2. To voluntarily provide all known medical, background,
25 and family information about yourself and your immediate family
26 to your child's prospective adoptive parents or their attorney.

1 For the health of your child, you are strongly encouraged, but
2 not required, to provide all known medical, background, and
3 family history information about yourself and your family to
4 your child's prospective adoptive parents or their attorney.

5 3. (Birth mothers only) To accurately complete an Affidavit
6 of Identification, which identifies the father of the child
7 when known, with the understanding that a birth mother has a
8 right to decline to identify the birth father.

9 4. To not accept financial support or reimbursement of
10 pregnancy related expenses simultaneously from more than one
11 source.

12 B. The form of consent required for the adoption of an
13 unborn child shall be substantially as follows:

14 CONSENT TO ADOPTION OF UNBORN CHILD

15 I,, state:

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

18 That I reside at County of, and State of

19 That I am of the age of years.

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

22 That I hereby acknowledge that I have been provided with a
23 copy of the Birth Parent Rights and Responsibilities-Private
24 Form before signing this Consent, and that I have had time to
25 read, or have had read to me, this Form. I understand that if I
26 do not receive any of the rights as described in this Form, it

1 shall not constitute a basis to revoke this Consent to Adoption
2 of Unborn Child.

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

6 That I wish to and do understand that by signing this
7 consent I do irrevocably and permanently give up all custody
8 and other parental rights I have to such child, except that I
9 have the right to revoke this consent by giving written notice
10 of my revocation not later than 72 hours after the birth of the
11 child.

12 That I understand such child will be placed for adoption
13 and that, except as hereinabove provided, I cannot under any
14 circumstances, after signing this document, change my mind and
15 revoke or cancel this consent or obtain or recover custody or
16 any other rights over such child.

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

19 Dated (insert date).

20

21 B-5. (1) The parent of a child may execute a consent to
22 standby adoption by a specified person or persons. A consent
23 under this subsection B-5 shall be acknowledged by a parent
24 pursuant to subsection H and subsection K of this Section. The
25 form of consent required for the standby adoption of a born
26 child effective at a future date when the consenting parent of

1 the child dies or requests that a final judgment of adoption be
2 entered shall be substantially as follows:

3 FINAL AND IRREVOCABLE CONSENT

4 TO STANDBY ADOPTION

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

7 That the child was born on at

8 That I reside at, County of, and State of

9 That I am of the age of years.

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

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

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

21 That I understand that until (I die) (the child's other
22 parent dies), I retain all legal rights and obligations
23 concerning the child, but at that time, I irrevocably give all
24 custody and other parental rights to (specified person or
25 persons).

26 I understand my child will be adopted by (specified

1 person or persons) only and that 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 my child if (specified person or
 5 persons) adopt my child.

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

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

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

23 If (specified persons) obtain a judgment of
 24 dissolution of marriage before the judgment for adoption is
 25 entered, then (specified person) shall adopt my child. I

1 understand that I cannot change my mind and revoke this consent
2 or obtain or recover custody of my child if (specified
3 persons) obtain a judgment of dissolution of marriage and
4 (specified person) adopts my child. I understand that I cannot
5 change my mind and revoke this consent if (specified
6 persons) obtain a judgment of dissolution of marriage before
7 the adoption is final. I understand that this consent to
8 adoption has no effect on who will get custody of my child if
9 (specified persons) obtain a judgment of dissolution of
10 marriage after the adoption is final. I understand that if
11 either (specified persons) dies before the petition to
12 adopt my child is granted, then the surviving person may adopt
13 my child. I understand that I cannot change my mind and revoke
14 this consent or obtain or recover custody of my child if the
15 surviving person adopts my child.

16 A consent to standby adoption by specified persons on this
17 form shall have no effect on a court's determination of custody
18 or visitation under the Illinois Marriage and Dissolution of
19 Marriage Act if the marriage of the specified persons is
20 dissolved before the adoption is final.

21 (3) The form of the certificate of acknowledgement for a
22 Final and Irrevocable Consent for Standby Adoption shall be
23 substantially as follows:

24 STATE OF)

25) SS.

1 COUNTY OF)

2 I, (name of Judge or other person) (official
3 title, name, and address), certify that, personally
4 known to me to be the same person whose name is subscribed to
5 the foregoing Final and Irrevocable Consent to Standby
6 Adoption, appeared before me this day in person and
7 acknowledged that (she) (he) signed and delivered the consent
8 as (her) (his) free and voluntary act, for the specified
9 purpose.

10 I have fully explained that this consent to adoption is
11 valid only if the petition to adopt is filed, and that if the
12 specified person or persons, for any reason, cannot or will not
13 adopt the child or if the adoption petition is denied, then
14 this consent will be void. I have fully explained that if the
15 specified person or persons adopt the child, by signing this
16 consent (she) (he) is irrevocably and permanently
17 relinquishing all parental rights to the child, and (she) (he)
18 has stated that such is (her) (his) intention and desire.

19 Dated (insert date).

20 Signature

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

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

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

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

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

10 FINAL AND IRREVOCABLE SURRENDER

11 FOR PURPOSES OF ADOPTION

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

14 That such child was born on, at

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

16 That I am of the age of years.

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

24 That I hereby grant to the Agency full power and authority
25 to place such child with any person or persons it may in its
26 sole discretion select to become the adopting parent or parents

1 and to consent to the legal adoption of such child by such
 2 person or persons; and to take any and all measures which, in
 3 the judgment of the Agency, may be for the best interests of
 4 such child, including authorizing medical, surgical and dental
 5 care and treatment including inoculation and anaesthesia for
 6 such child.

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

10 That I understand I cannot under any circumstances, after
 11 signing this surrender, change my mind and revoke or cancel
 12 this surrender or obtain or recover custody or any other rights
 13 over such child.

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

16 Dated (insert date).
 17

18 C-5. The form of a Final and Irrevocable Designated
 19 Surrender for Purposes of Adoption to any agency given by a
 20 parent of a born child who is to be subsequently placed for
 21 adoption is to be used by legal parents only. The form shall be
 22 substantially as follows and shall contain such other facts and
 23 statements as the particular agency shall require:

24 FINAL AND IRREVOCABLE DESIGNATED SURRENDER
 25 FOR PURPOSES OF ADOPTION

26 I, (relationship, e.g., mother, father, relative,

1 guardian) of, a ..male child, state:

2 1. That such child was born on, at

3 2. That I reside at, County of, and State of
4

5 3. That I am of the age of years.

6 4. That I do hereby surrender and entrust the entire
7 custody and control of such child to the (the "Agency"), a
8 (public) (licensed) child welfare agency with its principal
9 office in the City of, County of and State of,
10 for the purpose of enabling it to care for and supervise the
11 care of such child, to place such child for adoption with
12 (specified person or persons)
13 and to consent to the legal adoption of such child and to take
14 any and all measures which, in the judgment of the Agency, may
15 be for the best interests of such child, including authorizing
16 medical, surgical and dental care and treatment including
17 inoculation and anesthesia for such child.

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

21 6. That if the petition for adoption is not filed by the
22 specified person or persons designated herein or, if the
23 petition for adoption is filed but the adoption petition is
24 dismissed with prejudice or the adoption proceeding is
25 otherwise concluded without an order declaring the child to be
26 the adopted child of each specified person, then I understand

1 that the Agency will provide notice to me within 10 business
2 days and that such notice will be directed to me using the
3 contact information I have provided to the Agency. I understand
4 that I will have 10 business days from the date that the Agency
5 sends me its notice to respond, within which time I may choose
6 to designate other adoptive parent(s). However, I acknowledge
7 that the Agency has full power and authority to place the child
8 for adoption with any person or persons it may in its sole
9 discretion select to become the adopting parent or parents and
10 to consent to the legal adoption of the child by such person or
11 persons.

12 7. That I acknowledge that this surrender is valid even if
13 the specified persons separate or divorce or one of the
14 specified persons dies prior to the entry of the final judgment
15 for adoption.

16 8. That I expressly acknowledge that the above paragraphs 6
17 and 7 do not impair the validity and absolute finality of this
18 surrender under any circumstance.

19 9. That I understand that I have a remaining obligation to
20 keep the Agency informed of my current contact information
21 until the adoption of the child has been finalized if I wish to
22 be notified in the event the adoption by the specified
23 person(s) cannot proceed.

24 10. That I understand I cannot under any circumstances,
25 after signing this surrender, change my mind and revoke or
26 cancel this surrender or obtain or recover custody or any other

1 rights over such child.

2 11. That I have read and understand the above and I am
3 signing it as my free and voluntary act.

4 Dated (insert date).

5

6 D. The form of surrender to an agency given by a parent of
7 an unborn child who is to be subsequently placed for adoption
8 shall be substantially as follows and shall contain such other
9 facts and statements as the particular agency shall require.

10 SURRENDER OF UNBORN CHILD FOR
11 PURPOSES OF ADOPTION

12 I, (father), state:

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

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

16 That I am of the age of years.

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

26 That I hereby grant to the Agency full power and authority

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

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

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

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

20 Dated (insert date).

21

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

25 CONSENT

26 I,, (father) (mother) of, an adult, state:

1 That I reside at, County of and State of

2 That I do hereby consent and agree to the adoption of such
3 adult by and

4 Dated (insert date).

5

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

9 CONSENT

10 I,, state:

11 That I reside at, County of and State of

12 That I am of the age of years. That I consent and agree to
13 my adoption by and

14 Dated (insert date).

15

16 G. The form of consent given by an agency to the adoption
17 by specified persons of a child previously surrendered to it
18 shall set forth that the agency has the authority to execute
19 such consent. The form of consent given by a guardian of the
20 person of a child sought to be adopted, appointed by a court of
21 competent jurisdiction, shall set forth the facts of such
22 appointment and the authority of the guardian to execute such
23 consent.

24 H. A consent (other than that given by an agency, or
25 guardian of the person of the child sought to be adopted who
26 was appointed by a court of competent jurisdiction) shall be

1 acknowledged by a parent before a judge of a court of competent
2 jurisdiction or, except as otherwise provided in this Act,
3 before a representative of an agency, or before a person, other
4 than the attorney for the prospective adoptive parent or
5 parents, designated by a court of competent jurisdiction.

6 I. A surrender, or any other document equivalent to a
7 surrender, by which a child is surrendered to an agency shall
8 be acknowledged by the person signing such surrender, or other
9 document, before a judge of a court of competent jurisdiction,
10 or, except as otherwise provided in this Act, before a
11 representative of an agency, or before a person designated by a
12 court of competent jurisdiction.

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

16 STATE OF)

17) SS.

18 COUNTY OF ...)

19 I, (Name of judge or other person), (official
20 title, name and location of court or status or position of
21 other person), certify that, personally known to me to be
22 the same person whose name is subscribed to the foregoing
23 (consent) (surrender), appeared before me this day in person
24 and acknowledged that (she) (he) signed and delivered such
25 (consent) (surrender) as (her) (his) free and voluntary act,
26 for the specified purpose.

1 I have fully explained that by signing such (consent)
 2 (surrender) (she) (he) is irrevocably relinquishing all
 3 parental rights to such child or adult and (she) (he) has
 4 stated that such is (her) (his) intention and desire. (Add if
 5 Consent only) I am further satisfied that, before signing this
 6 Consent, has read, or has had read to him or her, the
 7 Birth Parent Rights and Responsibilities-Private Form.

8 Dated (insert date).

9 Signature

10 K. When the execution of a consent or a surrender is
 11 acknowledged before someone other than a judge, such other
 12 person shall have his or her signature on the certificate
 13 acknowledged before a notary public, in form substantially as
 14 follows:

15 STATE OF)

16) SS.

17 COUNTY OF ...)

18 I, a Notary Public, in and for the County of, in the
 19 State of, certify that, personally known to me to
 20 be the same person whose name is subscribed to the foregoing
 21 certificate of acknowledgment, appeared before me in person and
 22 acknowledged that (she) (he) signed such certificate as (her)
 23 (his) free and voluntary act and that the statements made in
 24 the certificate are true.

25 Dated (insert date).

26 Signature Notary Public

1 (official seal)

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

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

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

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

21 O. (1) The parent or parents of a child in whose interests
22 a petition under Section 2-13 of the Juvenile Court Act of 1987
23 is pending may, with the approval of the designated
24 representative of the Department of Children and Family
25 Services ("Department" or "DCFS"), execute a consent to

1 adoption by a specified person or persons:

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

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

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

10 The court may waive the time frames in subdivisions (a), (b),
11 and (c) for good cause shown if the court finds it to be in the
12 child's best interests.

13 A consent under this subsection O shall be acknowledged by a
14 parent pursuant to subsection H and subsection K of this
15 Section.

16 (2) The final and irrevocable consent to adoption by a
17 specified person or persons in a Department of Children and
18 Family Services (DCFS) case ~~consent to adoption by a specified~~
19 ~~person or persons shall have the caption of the proceeding in~~
20 ~~which it is to be filed and~~ shall be substantially as follows:

21 FINAL AND IRREVOCABLE CONSENT TO ADOPTION BY

22 A SPECIFIED PERSON OR PERSONS: DCFS CASE

23 I, , the
24 (mother or father) of amale child,
25 state:

26 1. My child (name of

1 child) was born on (insert date) at
 2 Hospital in the municipality of, in
 3 County, State of

4 2. I reside at, County of
 5 and State of

6 Mail may also be sent to me at this address
 7, in care of

8 My home telephone number is

9 My cell telephone number is

10 My e-mail address is

11 3. I,, am years old.

12 4. I enter my appearance in this action for my child to
 13 be adopted ~~to adopt my child~~ by the person or persons
 14 specified herein by me and waive service of summons on me
 15 in this action only.

16 5. I hereby acknowledge that I have been provided a
 17 copy of the Birth Parent Rights and Responsibilities for
 18 DCFS Cases before signing this Consent and that I have had
 19 time to read this form or have it read to me and that I
 20 understand the rights and responsibilities described in
 21 this form. I understand that if I do not receive any of my
 22 rights as described in the form, it shall not constitute a
 23 basis to revoke this Final and Irrevocable Consent to
 24 Adoption by a Specified Person or Persons.

25 6. I do hereby consent and agree to the adoption of
 26 such child by (specified person or persons)

1 only.

2 7. I wish to sign this consent and I understand that by
3 signing this consent I irrevocably and permanently give up
4 all my parental rights I have to my child.

5 8. I understand that this consent allows my child to be
6 adopted by only and that I cannot under any
7 circumstances after signing this document change my mind
8 and revoke or cancel this consent.

9 9. I understand that this consent will be void if:

10 (a) the Department places my child with someone
11 other than the specified person or persons; or

12 (b) a court denies the adoption petition for the
13 specified person or persons to adopt my child; or

14 (c) the DCFS Guardianship Administrator refuses to
15 consent to my child's adoption by the specified person
16 or persons on the basis that the adoption is not in my
17 child's best interests.

18 I understand that if this consent is void I have
19 parental rights to my child, subject to any applicable
20 court orders including those entered under Article II of
21 the Juvenile Court Act of 1987, unless and until I sign a
22 new consent or surrender or my parental rights are
23 involuntarily terminated. I understand that if this
24 consent is void, my child may be adopted by someone other
25 than the specified person or persons only if I sign a new
26 consent or surrender, or my parental rights are

1 involuntarily terminated. I understand that if this
2 consent is void, the Department will notify me within 30
3 days using the addresses and telephone numbers I provided
4 in paragraph 2 of this form. I understand that if I receive
5 such a notice, it is very important that I contact the
6 Department immediately, and preferably within 30 days, to
7 have input into the plan for my child's future.

8 10. I understand that if a petition for adoption of my
9 child is filed by someone other than the specified person
10 or persons, the Department will notify me within 14 days
11 after the Department becomes aware of the petition. The
12 fact that someone other than the specified person or
13 persons files a petition to adopt my child does not make
14 this consent void.

15 11. If a person other than the specified person or
16 persons files a petition to adopt my child or if the
17 consent is void under paragraph 9, the Department will send
18 written notice to me using the mailing address and email
19 address provided by me in paragraph 2 of this form. The
20 Department will also contact me using the telephone numbers
21 I provided in paragraph 2 of this form. It is very
22 important that I let the Department know if any of my
23 contact information changes. If I do not let the Department
24 know if any of my contact information changes, I understand
25 that I may not receive notification from the Department if
26 this consent is void or if someone other than the specified

1 person or persons files a petition to adopt my child. If
2 any of my contact information changes, I should immediately
3 notify:

4 Caseworker's name and telephone number:
5 i

6 Agency name, address, zip code, and telephone number:
7 i

8 Supervisor's name and telephone number:
9 i

10 DCFS Advocacy Office for Children and Families:
11 800-232-3798.

12 12. I expressly acknowledge that paragraph 9 (and
13 paragraphs 8a and 8b, if applicable) do not impair the
14 validity and finality of this consent under any
15 circumstances.

16 ~~I consent to the adoption of my child by~~
17 ~~..... (specified person or~~
18 ~~persons) only.~~

19 ~~I wish to sign this consent and I understand that by~~
20 ~~signing this consent I irrevocably and permanently give up~~
21 ~~all parental rights I have to my child if my child is~~
22 ~~adopted by (specified person~~
23 ~~or persons).~~

24 ~~I understand my child will be adopted by~~
25 ~~..... (specified person or~~
26 ~~persons) only and that I cannot under any circumstances,~~

1 ~~after signing this document, change my mind and revoke or~~
 2 ~~cancel this consent or obtain or recover custody or any~~
 3 ~~other rights over my child if~~
 4 ~~(specified person or persons) adopt my child.~~

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

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

21 Dated (insert date).
 22
 23 Signature of parent

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

1 8a. If (specified persons) get a
2 divorce or are granted a dissolution of a civil union
3 before the petition to adopt my child is granted, this
4 consent is valid for (specified person) to
5 adopt my child. I understand that I cannot change my mind
6 or revoke this consent or recover custody of my child on
7 the basis that the specified persons divorce or are granted
8 a dissolution of a civil union. ~~then (specified~~
9 ~~person) shall adopt my child. I understand that I cannot~~
10 ~~change my mind and revoke this consent or obtain or recover~~
11 ~~custody over my child if (specified persons)~~
12 ~~divorce and (specified person) adopts my~~
13 ~~child. I understand that I cannot change my mind and revoke~~
14 ~~this consent or obtain or recover custody over my child if~~
15 ~~..... (specified persons) divorce after the~~
16 ~~adoption is final. I understand that this consent to~~
17 ~~adoption has no effect on who will get custody of my child~~
18 ~~if they divorce after the adoption is final.~~

19 8b. I understand that if either
20 (specified persons) dies before the petition to adopt my
21 child is granted, this consent remains valid for the
22 surviving person to adopt my child. I understand that I
23 cannot change my mind or revoke this consent or recover
24 custody of my child on the basis that one of the specified
25 persons dies. ~~then the surviving person can adopt my child.~~
26 ~~I understand that I cannot change my mind and revoke this~~

1 ~~consent or obtain or recover custody over my child if the~~
2 ~~surviving person adopts my child.~~

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

8 (4) The form of the certificate of acknowledgement for a
9 Final and Irrevocable Consent for Adoption by a Specified
10 Person or Persons: DCFS Case shall be substantially as follows:

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

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

22 ~~I have fully explained that this consent to adoption is~~
23 ~~valid only if the petition to adopt is filed within one year~~
24 ~~from the date that it is signed, and that if the specified~~

1 ~~person or persons, for any reason, cannot or will not adopt the~~
 2 ~~child or if the adoption petition is denied, then this consent~~
 3 ~~will be voidable after one year upon the timely filing of a~~
 4 ~~motion by the parent to revoke the consent. I explained that if~~
 5 ~~this motion is filed before the filing of the petition for~~
 6 ~~adoption, the court shall revoke this specific consent. I have~~
 7 fully explained that ~~if the specified person or persons adopt~~
 8 ~~the child,~~ by signing this consent this parent is irrevocably
 9 and permanently relinquishing all parental rights to the child
 10 so that the child may be adopted by a specified person or
 11 persons, and this parent has stated that such is (her) (his)
 12 intention and desire. I have fully explained that this consent
 13 is void only if:

- 14 (a) the placement is disrupted and the child is moved
- 15 to a different placement; or
- 16 (b) a court denies the petition for adoption; or
- 17 (c) the Department of Children and Family Services
- 18 Guardianship Administrator refuses to consent to the
- 19 child's adoption by a specified person or persons on the
- 20 basis that the adoption is not in the child's best
- 21 interests.

22 Dated (insert date).

23

24 Signature

25 (5) If a consent to adoption by a specified person or
 26 persons is executed in this form, the following provisions

1 shall apply. The consent shall be valid only for the ~~if that~~
2 specified person or persons to adopt the child. The consent
3 shall be void ~~voidable after one year~~ if:

4 (a) the placement disrupts and the child is moved to
5 another placement ~~the specified person or persons do not~~
6 ~~file a petition to adopt the child within one year after~~
7 ~~the consent is signed and the parent files a timely motion~~
8 ~~to revoke this consent. If this motion is filed before the~~
9 ~~filing of the petition for adoption the court shall revoke~~
10 ~~this consent; or~~

11 (b) a court denies the petition for adoption ~~a court~~
12 ~~denies the adoption petition; or~~

13 (c) the Department of Children and Family Services
14 Guardianship Administrator refuses to consent to the
15 child's adoption by the specified person or persons on the
16 basis that the adoption is not in the child's best
17 interests ~~determines that the specified person or persons~~
18 ~~will not or cannot complete the adoption, or in the best~~
19 ~~interests of the child should not adopt the child.~~

20 If the consent is void under this Section, the parent shall
21 not need to take further action to revoke the consent. No
22 proceeding for termination of parental rights shall be brought
23 unless the parent who executed the consent to adoption by a
24 specified person or persons has been notified of the
25 proceedings pursuant to Section 7 of this Act or subsection (4)
26 of Section 2-13 of the Juvenile Court Act of 1987. Within 30

1 ~~days of the consent becoming void, the Department of Children~~
2 ~~and Family Services Guardianship Administrator shall make good~~
3 ~~faith attempts to notify the parent in writing and shall give~~
4 ~~written notice to the court and all additional parties in~~
5 ~~writing that the adoption has not occurred or will not occur~~
6 ~~and that the consent is void. If the adoption by a specified~~
7 ~~person or persons does not occur, no proceeding for termination~~
8 ~~of parental rights shall be brought unless the biological~~
9 ~~parent who executed the consent to adoption by a specified~~
10 ~~person or persons has been notified of the proceeding pursuant~~
11 ~~to Section 7 of this Act or subsection (4) of Section 2-13 of~~
12 ~~the Juvenile Court Act of 1987. The parent shall not need to~~
13 ~~take further action to revoke the consent if the specified~~
14 ~~adoption does not occur, notwithstanding the provisions of~~
15 ~~Section 11 of this Act.~~

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

19 (7) (Blank). ~~The Department shall collect and maintain data~~
20 ~~concerning the efficacy of specific consents. This data shall~~
21 ~~include the number of specific consents executed and their~~
22 ~~outcomes, including but not limited to the number of children~~
23 ~~adopted pursuant to the consents, the number of children for~~
24 ~~whom adoptions are not completed, and the reason or reasons why~~
25 ~~the adoptions are not completed.~~

26 (8) The Department of Children and Family Services shall

1 promulgate a rule and procedures regarding Consents to Adoption
2 by a Specified Person or Persons in DCFS cases. The rule and
3 procedures shall provide for the development of the Birth
4 Parent Rights and Responsibilities Form for DCFS Cases.

5 (9) A consent to adoption by specified persons on this
6 consent form shall have no effect on a court's determination of
7 custody or visitation under the Illinois Marriage and
8 Dissolution of Marriage Act or the Illinois Religious Freedom
9 Protection and Civil Union Act if the marriage or civil union
10 of the specified persons is dissolved after the adoption is
11 final.

12 P. If the person signing a consent is incarcerated or
13 detained in a correctional facility, prison, jail, detention
14 center, or other comparable institution, either in this State
15 or any other jurisdiction, the execution of such consent may be
16 acknowledged before social service personnel of such
17 institution, or before a person designated by a court of
18 competent jurisdiction.

19 Q. A consent may be acknowledged telephonically, via
20 audiovisual connection, or other electronic means, provided
21 that a court of competent jurisdiction has entered an order
22 approving the execution of the consent in such manner and has
23 designated an individual to be physically present with the
24 parent executing such consent in order to verify the identity
25 of the parent.

26 R. An agency whose representative is acknowledging a

1 consent pursuant to this Section shall be a public child
2 welfare agency, or a child welfare agency, or a child placing
3 agency that is authorized or licensed in the State or
4 jurisdiction in which the consent is signed.

5 S. The form of waiver by a putative or legal father of a
6 born or unborn child shall be substantially as follows:

7 FINAL AND IRREVOCABLE

8 WAIVER OF PARENTAL RIGHTS OF PUTATIVE OR LEGAL FATHER

9 I, , state under oath or affirm as
10 follows:

11 1. That the biological mother has
12 named me as a possible biological or legal father of her
13 minor child who was born, or is expected to be born on
14,, in the City/Town of....., State
15 of

16 2. That I understand that the biological mother
17 intends to or has placed the child for
18 adoption.

19 3. That I reside at, in the City/Town
20 of....., State of

21 4. That I am years of age and my date
22 of birth is,

23 5. That I (select one):
24 am married to the biological mother.

1 am not married to the biological mother and
2 have not been married to the biological mother within
3 300 days before the child's birth or expected date of
4 child's birth.

5 am not currently married to the biological
6 mother, but was married to the biological mother,
7 within 300 days before the child's birth or expected
8 date of child's birth.

9 6. That I (select one):

10 neither admit nor deny that I am the
11 biological father of the child.

12 deny that I am the biological father of the
13 child.

14 7. That I hereby agree to the termination of my
15 parental rights, if any, without further notice to me of
16 any proceeding for the adoption of the minor child, even if
17 I have taken any action to establish parental rights or
18 take any such action in the future including registering
19 with any putative father registry.

20 8. That I understand that by signing this Waiver I do
21 irrevocably and permanently give up all custody and other
22 parental rights I may have to such child.

23 9. That I understand that this Waiver is FINAL AND
24 IRREVOCABLE and that I am permanently barred from
25 contesting any proceeding for the adoption of the child
26 after I sign this Waiver.

1 10. That I waive any further service of summons or
2 other pleadings in any proceeding to terminate parental
3 rights, if any to this child, or any proceeding for
4 adoption of this child.

5 11. That I understand that if a final judgment or order
6 of adoption for this child is not entered, then any
7 parental rights or responsibilities that I may have remain
8 intact.

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

11 Dated: ,
12
13 Signature

14 OATH
15 I have been duly sworn and I state under oath that I have read
16 and understood this Final and Irrevocable Waiver of Parental
17 Rights of Putative or Legal Father. The facts contained in it
18 are true and correct to the best of my knowledge. I have signed
19 this document as my free and voluntary act in order to
20 facilitate the adoption of the child.

21
22 Signature

1 Signed and Sworn before me on
2 this day
3 of, 20....

4

5 Notary Public

6 (Source: P.A. 96-601, eff. 8-21-09; 96-1461, eff. 1-1-11;
7 97-493, eff. 8-22-11.)

8 (750 ILCS 50/18.08 new)

9 Sec. 18.08. Adoption Advisory Council.

10 (a) There shall be established under the Department of
11 Public Health the Adoption Advisory Council. The Council shall
12 include:

13 (1) the Director of the Department of Public Health, or
14 his or her designee, who shall serve as the chairperson of
15 the Council;

16 (2) the Director of the Department of Children and
17 Family Services, or his or her designee;

18 (3) an attorney representing the Attorney General's
19 Office appointed by the Attorney General;

20 (4) a currently certified confidential intermediary
21 appointed by the Director of the Department of Children and
22 Family Services;

23 (5) one representative from each of the following
24 organizations appointed by the Director of the Department

1 of Public Health: Adoption Advocates of Illinois, Adoptive
2 Families Today, Catholic Conference of Illinois, Chicago
3 Area Families for Adoption, Chicago Bar Association, Child
4 Care Association of Illinois, Children Remembered, Inc.,
5 Children's Home and Aid Society of Illinois, Child Welfare
6 Advisory Council, The Cradle, Healing Hearts, Illinois
7 Foster Parents Association, Illinois State Bar
8 Association, Illinois State Medical Society, Jewish
9 Children's Bureau, LDS Social Services, Lutheran Social
10 Services of Illinois, Maryville Academy, Midwest Adoption
11 Center, St. Mary's Services, Stars of David, and
12 Truthseekers in Adoption;

13 (6) 5 additional members appointed by the Director of
14 the Department of Children and Family Services who shall,
15 when making those appointments, consider advocates for
16 adopted persons, adoptive parents, or birth parents,
17 lawyers who represent clients in private adoptions,
18 lawyers specializing in privacy law, and representatives
19 of agencies involved in adoptions; and

20 (7) an attorney from the Department of Children and
21 Family Services and the person directly responsible for
22 administering the confidential intermediary program, who
23 shall serve as ex-officio, non-voting advisors to the
24 Council.

25 (b) If any one of the named organizations in item (5) of
26 subsection (a) notifies the Director of the Department of

1 Public Health in writing that the organization does not wish to
2 participate on the Adoption Advisory Council or that the
3 organization is no longer functioning, the Director may
4 designate another organization that represents the same
5 constituency as the named organization to replace the named
6 organization on the Council.

7 (c) Council members shall receive no compensation for their
8 service. The Council shall meet no less often than once every 6
9 months and shall meet as the Director of the Department of
10 Public Health deems necessary. The council shall make
11 recommendations regarding the development of rules,
12 procedures, and forms that will ensure the efficient and
13 effective operation of the adoption process in Illinois and the
14 effective delivery of adult post-adoption services in
15 Illinois, including:

16 (1) advising the Department of Public Health on the
17 development of rules, procedures, and forms utilized by the
18 Illinois Adoption Registry and Medical Information
19 Exchange;

20 (2) making recommendations regarding the procedures,
21 tools, and technology that will ensure efficient and
22 effective operation of the Registry;

23 (3) assisting the Department of Public Health with the
24 development, publication, and circulation of an
25 informational pamphlet that describes the purpose,
26 function, and mechanics of the Illinois Adoption Registry

1 and Medical Information Exchange, including information
2 about who is eligible to register and how to register;
3 information about the questions and concerns that
4 registrants may develop when they register or when they
5 receive information from the Registry; and a list of
6 services, programs, groups, and informational websites
7 that are available to assist registrants with their
8 questions and concerns;

9 (4) collecting, compiling, and reviewing statistical
10 data and empirical information concerning the procedures
11 in the Registry including, but not limited to, data
12 concerning the filing of Denials of Information Exchange,
13 Information Exchange Authorizations, Requests for a
14 Non-Certified Copy of an Original Birth Certificate, and
15 Birth Parent Preference Forms;

16 (5) making recommendations regarding the standards for
17 certification for confidential intermediaries;

18 (6) reviewing compliance with all appropriate laws
19 including, but not limited to, P.A. 96-895 and this
20 amendatory Act of the 97th General Assembly;

21 (7) overseeing methods used to verify that
22 intermediaries are complying with the appropriate laws;

23 (8) assisting the Department of Children and Family
24 Services with training for confidential intermediaries,
25 including training with respect to federal and State
26 privacy laws;

1 (9) reviewing the relationship between confidential
2 intermediaries and the court system and making
3 recommendations concerning sample orders that define the
4 scope of the intermediaries' access to information;

5 (10) considering any recent violations of policy or
6 procedures by confidential intermediaries and remedial
7 steps, including decertification, which might be
8 recommended so as to prevent future violations; and

9 (11) reviewing reports from the Department of Children
10 and Family Services submitted by July 1 and January 1 of
11 each year in order detailing the penalties assessed and
12 collected, the amounts of related deposits into the DCFS
13 Children's Services Fund, and any expenditures from such
14 deposits.

15 (d) Within 45 days after the effective date of this
16 amendatory Act of the 97th General Assembly, both the Adoption
17 Registry Advisory Council and the Confidential Intermediary
18 Council shall, notwithstanding any other provision of this Act,
19 turn over the Council's records to the Adoption Advisory
20 Council and cease to function.

21 (750 ILCS 50/18.3a) (from Ch. 40, par. 1522.3a)

22 Sec. 18.3a. Confidential intermediary.

23 (a) General purposes. Notwithstanding any other provision
24 of this Act, any adopted or surrendered person 21 years of age
25 or over, any adoptive parent or legal guardian of an adopted or

1 surrendered person under the age of 21, or any birth parent of
2 an adopted or surrendered person who is 21 years of age or over
3 may petition the court in any county in the State of Illinois
4 for appointment of a confidential intermediary as provided in
5 this Section for the purpose of exchanging medical information
6 with one or more mutually consenting biological relatives,
7 obtaining identifying information about one or more mutually
8 consenting biological relatives, or arranging contact with one
9 or more mutually consenting biological relatives.
10 Additionally, in cases where an adopted or surrendered person
11 is deceased, an adult child of the adopted or surrendered
12 person or his or her adoptive parents or surviving spouse may
13 file a petition under this Section and in cases where the birth
14 parent is deceased, an adult birth sibling of the adopted or
15 surrendered person or of the deceased birth parent may file a
16 petition under this Section for the purpose of exchanging
17 medical information with one or more mutually consenting
18 biological relatives of the adopted or surrendered person,
19 obtaining identifying information about one or more mutually
20 consenting biological relatives of the adopted or surrendered
21 person, or arranging contact with one or more mutually
22 consenting biological relatives of the adopted or surrendered
23 person. Beginning January 1, 2006, any adopted or surrendered
24 person 21 years of age or over; any adoptive parent or legal
25 guardian of an adopted or surrendered person under the age of
26 21; any birth parent, birth sibling, birth aunt, or birth uncle

1 of an adopted or surrendered person over the age of 21; any
2 surviving child, adoptive parent, or surviving spouse of a
3 deceased adopted or surrendered person who wishes to petition
4 the court for the appointment of a confidential intermediary
5 shall be required to accompany their petition with proof of
6 registration with the Illinois Adoption Registry and Medical
7 Information Exchange.

8 (b) Petition. Upon petition by an adopted or surrendered
9 person 21 years of age or over (an "adult adopted or
10 surrendered person"), an adoptive parent or legal guardian of
11 an adopted or surrendered person under the age of 21, or a
12 birth parent of an adopted or surrendered person who is 21
13 years of age or over, the court shall appoint a confidential
14 intermediary. Upon petition by an adult child, adoptive parent
15 or surviving spouse of an adopted or surrendered person who is
16 deceased, by an adult birth sibling of an adopted or
17 surrendered person whose common birth parent is deceased and
18 whose adopted or surrendered birth sibling is 21 years of age
19 or over, or by an adult sibling of a birth parent who is
20 deceased, and whose surrendered child is 21 years of age or
21 over, the court may appoint a confidential intermediary if the
22 court finds that the disclosure is of greater benefit than
23 nondisclosure. The petition shall state which biological
24 relative or relatives are being sought and shall indicate if
25 the petitioner wants to do any one or more of the following:
26 exchange medical information with the biological relative or

1 relatives, obtain identifying information from the biological
2 relative or relatives, or to arrange contact with the
3 biological relative.

4 (c) Order. The order appointing the confidential
5 intermediary shall allow that intermediary to conduct a search
6 for the sought-after relative by accessing those records
7 described in subsection (g) of this Section.

8 (d) Fees and expenses. The court shall not condition the
9 appointment of the confidential intermediary on the
10 ~~petitioner's~~ payment of the intermediary's fees and expenses in
11 advance of the commencement of the work of the confidential
12 intermediary. No ~~However, no~~ fee shall be charged if the
13 petitioner is an adult adopted or surrendered person and the
14 sought-after relative is a birth parent who filed or who did
15 not file a Denial with the Registry prior to January 1, 2011,
16 or filed a Birth Parent Preference Form on which Option E was
17 selected after January 1, 2011 and more than 5 years have
18 transpired since the birth parent filed the Denial of
19 Information Exchange or Birth Parent Preference Form on which
20 Option E was selected.

21 (e) Eligibility of intermediary. The court may appoint as
22 confidential intermediary any person certified by the
23 Department of Children and Family Services as qualified to
24 serve as a confidential intermediary. Certification shall be
25 dependent upon the confidential intermediary completing a
26 course of training including, but not limited to, applicable

1 federal and State privacy laws.

2 (f) (Blank). ~~Confidential Intermediary Council. There~~
3 ~~shall be established under the Department of Children and~~
4 ~~Family Services a Confidential Intermediary Advisory Council.~~
5 ~~One member shall be an attorney representing the Attorney~~
6 ~~General's Office appointed by the Attorney General. One member~~
7 ~~shall be a currently certified confidential intermediary~~
8 ~~appointed by the Director of the Department of Children and~~
9 ~~Family Services. The Director shall also appoint 5 additional~~
10 ~~members. When making those appointments, the Director shall~~
11 ~~consider advocates for adopted persons, adoptive parents,~~
12 ~~birth parents, lawyers who represent clients in private~~
13 ~~adoptions, lawyers specializing in privacy law, and~~
14 ~~representatives of agencies involved in adoptions. The~~
15 ~~Director shall appoint one of the 7 members as the chairperson.~~
16 ~~An attorney from the Department of Children and Family Services~~
17 ~~and the person directly responsible for administering the~~
18 ~~confidential intermediary program shall serve as ex officio,~~
19 ~~non voting advisors to the Council. Council members shall serve~~
20 ~~at the discretion of the Director and shall receive no~~
21 ~~compensation other than reasonable expenses approved by the~~
22 ~~Director. The Council shall meet no less than twice yearly and~~
23 ~~shall meet at least once yearly with the Registry Advisory~~
24 ~~Council, and shall make recommendations to the Director~~
25 ~~regarding the development of rules, procedures, and forms that~~
26 ~~will ensure efficient and effective operation of the~~

1 ~~confidential intermediary process, including:~~

2 ~~(1) Standards for certification for confidential~~
3 ~~intermediaries.~~

4 ~~(2) Oversight of methods used to verify that~~
5 ~~intermediaries are complying with the appropriate laws.~~

6 ~~(3) Training for confidential intermediaries,~~
7 ~~including training with respect to federal and State~~
8 ~~privacy laws.~~

9 ~~(4) The relationship between confidential~~
10 ~~intermediaries and the court system, including the~~
11 ~~development of sample orders defining the scope of the~~
12 ~~intermediaries' access to information.~~

13 ~~(5) Any recent violations of policy or procedures by~~
14 ~~confidential intermediaries and remedial steps, including~~
15 ~~decertification, to prevent future violations.~~

16 (g) Access. Subject to the limitations of subsection (i)
17 of this Section, the confidential intermediary shall have
18 access to vital records or a comparable public entity that
19 maintains vital records in another state in accordance with
20 that state's laws, maintained by the Department of Public
21 Health and its local designees for the maintenance of vital
22 records or a comparable public entity that maintains vital
23 records in another state in accordance with that state's laws
24 and all records of the court or any adoption agency, public or
25 private, as limited in this Section, which relate to the
26 adoption or the identity and location of an adopted or

1 surrendered person, of an adult child or surviving spouse of a
2 deceased adopted or surrendered person, or of a birth parent,
3 birth sibling, or the sibling of a deceased birth parent. The
4 confidential intermediary shall not have access to any personal
5 health information protected by the Standards for Privacy of
6 Individually Identifiable Health Information adopted by the
7 U.S. Department of Health and Human Services under the Health
8 Insurance Portability and Accountability Act of 1996 unless the
9 confidential intermediary has obtained written consent from
10 the person whose information is being sought by an adult
11 adopted or surrendered person or, if that person is a minor
12 child, that person's parent or guardian. Confidential
13 intermediaries shall be authorized to inspect confidential
14 relinquishment and adoption records. The confidential
15 intermediary shall not be authorized to access medical records,
16 financial records, credit records, banking records, home
17 studies, attorney file records, or other personal records. In
18 cases where a birth parent is being sought, an adoption agency
19 shall inform the confidential intermediary of any statement
20 filed pursuant to Section 18.3, hereinafter referred to as "the
21 18.3 statement", indicating a desire of the surrendering birth
22 parent to have identifying information shared or to not have
23 identifying information shared. If there was a clear statement
24 of intent by the sought-after birth parent not to have
25 identifying information shared, the confidential intermediary
26 shall discontinue the search and inform the petitioning party

1 of the sought-after relative's intent unless the birth parent
2 filed the 18.3 statement prior to the effective date of this
3 amendatory Act of the 96th General Assembly and more than 5
4 years have elapsed since the filing of the 18.3 statement. If
5 the adult adopted or surrendered person is the subject of an
6 18.3 statement indicating a desire not to establish contact
7 which was filed more than 5 years prior to the search request,
8 the confidential intermediary shall confirm the petitioner's
9 desire to continue the search. Information provided to the
10 confidential intermediary by an adoption agency shall be
11 restricted to the full name, date of birth, place of birth,
12 last known address, last known telephone number of the
13 sought-after relative or, if applicable, of the children or
14 siblings of the sought-after relative, and the 18.3 statement.

15 (h) Adoption agency disclosure of medical information. If
16 the petitioner is an adult adopted or surrendered person or the
17 adoptive parent of a minor and if the petitioner has signed a
18 written authorization to disclose personal medical
19 information, an adoption agency disclosing information to a
20 confidential intermediary shall disclose available medical
21 information about the adopted or surrendered person from birth
22 through adoption.

23 (i) Duties of confidential intermediary in conducting a
24 search. In conducting a search under this Section, the
25 confidential intermediary shall first confirm that there is no
26 Denial of Information Exchange on file with the Illinois

1 Adoption Registry. If the petitioner is an adult child of an
2 adopted or surrendered person who is deceased, the confidential
3 intermediary shall additionally confirm that the adopted or
4 surrendered person did not file a Denial of Information
5 Exchange or a Birth Parent Preference Form with Option E
6 selected with the Illinois Adoption Registry during his or her
7 life. If there is a Denial on file with the Registry, the
8 confidential intermediary must discontinue the search unless
9 the petitioner is an adult adopted or surrendered person and
10 the sought-after birth relative filed the Denial 5 years or
11 more prior to the search or the birth parent has not been the
12 object of a search through the State confidential intermediary
13 program for 10 or more years. If the petitioner is an adult
14 adopted or surrendered person and there is a Birth Parent
15 Preference Form on file with the Registry and the birth parent
16 who completed the form selected Option E, the confidential
17 intermediary must discontinue the search unless 5 years or more
18 have elapsed since the filing of the Birth Parent Preference
19 Form. If the petitioner is an adult birth sibling of an adopted
20 or surrendered person or an adult sibling of a birth parent who
21 is deceased, the confidential intermediary shall additionally
22 confirm that the birth parent did not file a Denial of
23 Information Exchange or a Birth Parent Preference Form with
24 Option E selected with the Registry during his or her life. If
25 the confidential intermediary learns that a sought-after birth
26 parent signed an 18.3 statement indicating his or her intent

1 not to have identifying information shared, and did not later
2 file an Information Exchange Authorization or a Birth Parent
3 Preference Form with the Registry, the confidential
4 intermediary shall discontinue the search and inform the
5 petitioning party of the birth parent's intent, unless the
6 petitioner is an adult adopted or surrendered person and 5
7 years or more have elapsed since the birth parent signed the
8 statement indicating his or her intent not to have identifying
9 information shared. In cases where the birth parent filed a
10 Denial of Information Exchange or Birth Parent Preference Form
11 where Option E was selected, or statement indicating his or her
12 intent not to have identifying information shared less than 5
13 years prior to the search request and the petitioner is an
14 adult adopted or surrendered person, the confidential
15 intermediary shall inform the petitioner of the need to
16 discontinue the search until 5 years have elapsed since the
17 Denial of Information Exchange or Birth Parent Preference Form
18 where Option E was selected, or statement was filed; in cases
19 where a birth parent was previously the subject of a search
20 through the State confidential intermediary program, the
21 confidential intermediary shall inform the petitioner of the
22 need to discontinue the search until 10 years or more have
23 elapsed since the initial search was closed. In cases where a
24 birth parent has been the object of 2 searches through the
25 State confidential intermediary program, no subsequent search
26 for the birth parent shall be authorized absent a court order

1 to the contrary.

2 In conducting a search under this Section, the confidential
3 intermediary shall attempt to locate the relative or relatives
4 from whom the petitioner has requested information. If the
5 sought-after relative is deceased or cannot be located after a
6 diligent search, the confidential intermediary may contact
7 other adult relatives of the sought-after relative.

8 The confidential intermediary shall contact a sought-after
9 relative on behalf of the petitioner in a manner that respects
10 the sought-after relative's privacy and shall inform the
11 sought-after relative of the petitioner's request for medical
12 information, identifying information or contact as stated in
13 the petition. Based upon the terms of the petitioner's request,
14 the confidential intermediary shall contact a sought-after
15 relative on behalf of the petitioner and inform the
16 sought-after relative of the following options:

17 (1) The sought-after relative may totally reject one or
18 all of the requests for medical information, identifying
19 information or contact. The sought-after relative shall be
20 informed that they can provide a medical questionnaire to
21 be forwarded to the petitioner without releasing any
22 identifying information. The confidential intermediary
23 shall inform the petitioner of the sought-after relative's
24 decision to reject the sharing of information or contact.

25 (2) The sought-after relative may consent to
26 completing a medical questionnaire only. In this case, the

1 confidential intermediary shall provide the questionnaire
2 and ask the sought-after relative to complete it. The
3 confidential intermediary shall forward the completed
4 questionnaire to the petitioner and inform the petitioner
5 of the sought-after relative's desire to not provide any
6 additional information.

7 (3) The sought-after relative may communicate with the
8 petitioner without having his or her identity disclosed. In
9 this case, the confidential intermediary shall arrange the
10 desired communication in a manner that protects the
11 identity of the sought-after relative. The confidential
12 intermediary shall inform the petitioner of the
13 sought-after relative's decision to communicate but not
14 disclose his or her identity.

15 (4) The sought-after relative may consent to initiate
16 contact with the petitioner. If both the petitioner and the
17 sought-after relative or relatives are eligible to
18 register with the Illinois Adoption Registry, the
19 confidential intermediary shall provide the necessary
20 application forms and request that the sought-after
21 relative register with the Illinois Adoption Registry. If
22 either the petitioner or the sought-after relative or
23 relatives are ineligible to register with the Illinois
24 Adoption Registry, the confidential intermediary shall
25 obtain written consents from both parties that they wish to
26 disclose their identities to each other and to have contact

1 with each other.

2 (j) Oath. The confidential intermediary shall sign an oath
3 of confidentiality substantially as follows: "I,,
4 being duly sworn, on oath depose and say: As a condition of
5 appointment as a confidential intermediary, I affirm that:

6 (1) I will not disclose to the petitioner, directly or
7 indirectly, any confidential information except in a
8 manner consistent with the law.

9 (2) I recognize that violation of this oath subjects me
10 to civil liability and to a potential finding of contempt
11 of court.

12 SUBSCRIBED AND SWORN to before me, a Notary Public, on (insert
13 date)

14"

15 (k) Sanctions.

16 (1) Any confidential intermediary who improperly
17 discloses confidential information identifying a
18 sought-after relative shall be liable to the sought-after
19 relative for damages and may also be found in contempt of
20 court.

21 (2) Any person who learns a sought-after relative's
22 identity, directly or indirectly, through the use of
23 procedures provided in this Section and who improperly
24 discloses information identifying the sought-after
25 relative shall be liable to the sought-after relative for
26 actual damages plus minimum punitive damages of \$10,000.

1 (3) The Department shall fine any confidential
2 intermediary who improperly discloses confidential
3 information in violation of item (1) or (2) of this
4 subsection (k) an amount up to \$2,000 per improper
5 disclosure. This fine does not affect civil liability under
6 item (2) of this subsection (k). The Department shall
7 deposit all fines and penalties collected under this
8 Section into the Illinois Adoption Registry and Medical
9 Information Fund.

10 (1) Death of person being sought. Notwithstanding any other
11 provision of this Act, if the confidential intermediary
12 discovers that the person being sought has died, he or she
13 shall report this fact to the court, along with a copy of the
14 death certificate. If the sought-after relative is a birth
15 parent, the confidential intermediary shall also forward a copy
16 of the birth parent's death certificate, if available, to the
17 Registry for inclusion in the Registry file.

18 (m) Any confidential information obtained by the
19 confidential intermediary during the course of his or her
20 search shall be kept strictly confidential and shall be used
21 for the purpose of arranging contact between the petitioner and
22 the sought-after birth relative. At the time the case is
23 closed, all identifying information shall be returned to the
24 court for inclusion in the impounded adoption file.

25 (n) If the petitioner is an adopted or surrendered person
26 21 years of age or over or the adoptive parent or legal

1 guardian of an adopted or surrendered person under the age of
2 21, any non-identifying information, as defined in Section
3 18.4, that is ascertained during the course of the search may
4 be given in writing to the petitioner at any time during the
5 search before the case is closed.

6 (o) Except as provided in subsection (k) of this Section,
7 no liability shall accrue to the State, any State agency, any
8 judge, any officer or employee of the court, any certified
9 confidential intermediary, or any agency designated to oversee
10 confidential intermediary services for acts, omissions, or
11 efforts made in good faith within the scope of this Section.

12 (p) An adoption agency that has received a request from a
13 confidential intermediary for the full name, date of birth,
14 last known address, or last known telephone number of a
15 sought-after relative pursuant to subsection (g) of Section
16 18.3a, or for medical information regarding a sought-after
17 relative pursuant to subsection (h) of Section 18.3a, must
18 satisfactorily comply with this court order within a period of
19 45 days. The court shall order the adoption agency to reimburse
20 the petitioner in an amount equal to all payments made by the
21 petitioner to the confidential intermediary, and the adoption
22 agency shall be subject to a civil monetary penalty of \$1,000
23 to be paid to the Department of Children and Family Services.
24 Following the issuance of a court order finding that the
25 adoption agency has not complied with Section 18.3, the
26 adoption agency shall be subject to a monetary penalty of \$500

1 per day for each subsequent day of non-compliance. Proceeds
2 from such fines shall be utilized by the Department of Children
3 and Family Services to subsidize the fees of petitioners as
4 referenced in subsection (d) of this Section.

5 (q) Provide information to eligible petitioner. The
6 confidential intermediary may provide to eligible petitioners
7 as described in subsections (a) and (b) of this Section, the
8 name of the child welfare agency which had legal custody of the
9 surrendered person or responsibility for placing the
10 surrendered person and any available contact information for
11 such agency. In addition, the confidential intermediary may
12 provide to such petitioners the name of the state in which the
13 surrender occurred or in which the adoption was finalized.

14 Any reimbursements and fines, notwithstanding any
15 reimbursement directly to the petitioner, paid under this
16 subsection are in addition to other remedies a court may
17 otherwise impose by law.

18 The Department of Children and Family Services shall submit
19 reports to the Adoption Advisory Council ~~Confidential~~
20 ~~Intermediary Advisory Council~~ by July 1 and January 1 of each
21 year in order to report the penalties assessed and collected
22 under this subsection, the amounts of related deposits into the
23 DCFS Children's Services Fund, and any expenditures from such
24 deposits.

25 (Source: P.A. 96-661, eff. 8-25-09; 96-895, eff. 5-21-10;
26 97-110, eff. 7-14-11.)

1 (750 ILCS 50/18.07 rep.)

2 Section 15. The Adoption Act is amended by repealing
3 Section 18.07.

4 Section 99. Effective date. This Act takes effect January
5 1, 2013, except this Section and Section 5 take effect upon
6 becoming law.