

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Adoption Act is amended by changing Sections
5 7 and 10 as follows:

6 (750 ILCS 50/7) (from Ch. 40, par. 1509)

7 Sec. 7. Process.

8 A. All persons named in the petition for adoption or
9 standby adoption, other than the petitioners and any party who
10 has previously either denied being a parent pursuant to Section
11 12a of this Act or whose rights have been terminated pursuant
12 to Section 12a of this Act, but including the person sought to
13 be adopted, shall be made parties defendant by name, and if the
14 name or names of any such persons are alleged in the petition
15 to be unknown such persons shall be made parties defendant
16 under the name and style of "All whom it may concern". In all
17 such actions petitioner or his attorney shall file, at the
18 office of the clerk of the court in which the action is
19 pending, an affidavit showing that the defendant resides or has
20 gone out of this State, or on due inquiry cannot be found, or
21 is concealed within this State, so that process cannot be
22 served upon him, and stating the place of residence of the
23 defendant, if known, or that upon diligent inquiry his place of

1 residence cannot be ascertained, the clerk shall cause
2 publication to be made in some newspaper published in the
3 county in which the action is pending. If there is no newspaper
4 published in that county, then the publication shall be in a
5 newspaper published in an adjoining county in this State,
6 having a circulation in the county in which such action is
7 pending. In the event there is service on any of the parties by
8 publication, the publication shall contain notice of pendency
9 of the action, the name of the person to be adopted and the
10 name of the parties to be served by publication, and the date
11 on or after which default may be entered against such parties.
12 Neither the name of petitioners nor the name of any party who
13 has either surrendered said child, has given their consent to
14 the adoption of the child, or whose parental rights have been
15 terminated by a court of competent jurisdiction shall be
16 included in the notice of publication. The Clerk shall also,
17 within ten (10) days of the first publication of the notice,
18 send a copy thereof by mail, addressed to each defendant whose
19 place of residence is stated in such affidavit. The certificate
20 of the Clerk that he sent the copies pursuant to this section
21 is evidence that he has done so. Except as provided in this
22 section pertaining to service by publication, all parties
23 defendant shall be notified of the proceedings in the same
24 manner as is now or may hereafter be required in other civil
25 cases or proceedings, except that service of process need not
26 be directed to a minor defendant under 14 years of age for whom

1 a guardian ad litem has been or will be appointed pursuant to
2 paragraph (a) of subsection B of Section 13 of this Act.
3 Nothing in the provisions of the preceding sentence stating
4 that service of process need not be directed to a minor
5 defendant under 14 years of age for whom a guardian ad litem
6 has been or will be appointed is intended to override any
7 provision of this Act which relates to information to which an
8 adopted person is entitled under Section 18.1 of this Act. Any
9 party defendant who is of age of 14 years or upward may waive
10 service of process by entering an appearance in writing. The
11 form to be used for publication shall be substantially as
12 follows: "ADOPTION NOTICE - STATE OF ILLINOIS, County of,
13 ss. - Circuit Court of County. In the matter of the
14 Petition for the Adoption of, a ..male child. Adoption No.
15, To-- (whom it may concern or the named parent) Take
16 notice that a petition was filed in the Circuit Court of
17 County, Illinois, for the adoption of a child named, Now,
18 therefore, unless you, and all whom it may concern, file
19 your answer to the Petition in the action or otherwise file
20 your appearance therein, in the said Circuit Court of,
21 County, Room,, in the City of, Illinois, on or
22 before the day of, a default may be entered against
23 you at any time after that day and a judgment entered in
24 accordance with the prayer of said Petition. Dated,,
25 Illinois,, Clerk. (Name and address of attorney for
26 petitioners.)

1 B. A minor defendant who has been served in accordance with
2 this Section may be defaulted in the same manner as any other
3 defendant.

4 C. Notwithstanding any inconsistent provision of this or
5 any other law, and in addition to the notice requirements of
6 any law pertaining to persons other than those specified in
7 this subsection, the persons entitled to notice that a petition
8 has been filed under Section 5 of this Act shall include:

9 (a) any person adjudicated by a court in this State to
10 be the father of the child;

11 (b) any person adjudicated by a court of another state
12 or territory of the United States to be the father of the
13 child, when a certified copy of the court order has been
14 filed with the Putative Father Registry under Section 12.1
15 of this Act;

16 (c) any person who at the time of the filing of the
17 petition is registered in the Putative Father Registry
18 under Section 12.1 of this Act as the putative father of
19 the child;

20 (d) any person who is recorded on the child's birth
21 certificate as the child's father;

22 (e) any person who is openly living with the child or
23 the child's mother at the time the proceeding is initiated
24 and who is holding himself out to be the child's father;

25 (f) any person who has been identified as the child's
26 father by the mother in a written, sworn statement,

1 including an Affidavit of Identification as specified
2 under Section 11 of this Act;

3 (g) any person who was married to the child's mother on
4 the date of the child's birth or within 300 days prior to
5 the child's birth.

6 The sole purpose of notice under this Section shall be to
7 enable the person receiving notice to appear in the adoption
8 proceedings to present evidence to the court relevant to
9 whether the consent or surrender of the person to the adoption
10 is required pursuant to Section 8 of this Act. If the court
11 determines that the consent or surrender of the person is not
12 required pursuant to Section 8, then the person shall not be
13 entitled to participate in the proceedings or to any further
14 notice of the proceedings.

15 (Source: P.A. 94-530, eff. 1-1-06.)

16 (750 ILCS 50/10) (from Ch. 40, par. 1512)

17 Sec. 10. Forms of consent and surrender; execution and
18 acknowledgment thereof.

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

21 FINAL AND IRREVOCABLE CONSENT TO ADOPTION

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

24 That such child was born on at

25 That I reside at, County of and State of

1 That I am of the age of years.

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

4 That I hereby acknowledge that I have been provided with a
5 copy of the Birth Parent Rights and Responsibilities-Private
6 Form before signing this Consent and that I have had time to
7 read, or have had read to me, this Form. I understand that if I
8 do not receive any of the rights as described in this Form, it
9 shall not constitute a basis to revoke this Final and
10 Irrevocable Consent.

11 That I do hereby consent and agree to the adoption of such
12 child.

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

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

22 Dated (insert date).

23

24 If under Section 8 the consent of more than one person is
25 required, then each such person shall execute a separate

1 consent.

2 A-1. (1) The form of the Final and Irrevocable Consent to
3 Adoption by a Specified Person or Persons: Non-DCFS Case set
4 forth in this subsection A-1 is to be used by legal parents
5 only. This form is not to be used in cases in which there is a
6 pending petition under Section 2-13 of the Juvenile Court Act
7 of 1987.

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

12 FINAL AND IRREVOCABLE CONSENT TO ADOPTION BY

13 A SPECIFIED PERSON OR PERSONS; NON-DCFS CASE

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

16 1. That such child was born on, at, City of ...
17 and State of

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

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

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

22 5. That I hereby acknowledge that I have been provided 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 and that I understand
26 the Rights and Responsibilities described in this Form. I

1 understand that if I do not receive any of my rights as
2 described in said Form, it shall not constitute a basis to
3 revoke this Final and Irrevocable Consent to Adoption by a
4 Specified Person.

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

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

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

23 9. That if the specified person or persons designated
24 herein do not file a petition for adoption within the
25 time-frame specified above, or, if said petition for adoption
26 is filed within the time-frame specified above but the adoption

1 petition is dismissed with prejudice or the adoption proceeding
2 is otherwise concluded without an order declaring the child to
3 be the adopted child of the specified person or persons, then I
4 understand that I will receive written notice of such
5 circumstances within 10 business days of their occurrence. I
6 understand that the notice will be directed to me using the
7 contact information I have provided in this consent. I
8 understand that I will have 10 business days from the date that
9 the written notice is sent to me to respond, within which time
10 I may request the Court to declare this consent voidable and
11 return the child to me. I further understand that the Court
12 will make the final decision of whether or not the child will
13 be returned to me. If I do not make such request within 10
14 business days of the date of the notice, then I expressly waive
15 any other notice or service of process in any legal proceeding
16 for the adoption of the child.

17 10. That I expressly acknowledge that nothing in this
18 Consent impairs the validity and absolute finality of this
19 Consent under any circumstance other than those described in
20 paragraph 9 of this Consent.

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

1 being placed for adoption in another home.

2 12. That I do expressly waive any other notice or service
3 of process in any of the legal proceedings for the adoption of
4 the child as long as the adoption proceeding by the specified
5 person or persons is pending.

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

8 14. That I acknowledge that this consent is valid even if
9 the specified person or persons separate or divorce or one of
10 the specified persons dies prior to the entry of the final
11 judgment for adoption.

12 Dated (insert date).
13

14 Signature of parent.
15

16 Address of parent.
17

18 Phone number(s) of parent.
19

20 Personal email(s) of parent.
21

22 (3) The form of the certificate of acknowledgement for a
23 Final and Irrevocable Consent for Adoption by a Specified
24 Person or Persons: Non-DCFS Case shall be substantially as
25 follows:

1 STATE OF)

2) SS.

3 COUNTY OF)

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

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

25 Birth Parent Rights and Responsibilities-Private Form

26 As a birth parent in the State of Illinois, you have the

1 right:

2 1. To have your own attorney represent you. The prospective
3 adoptive parents may agree to pay for the cost of your attorney
4 in a manner consistent with Illinois law, but they are not
5 required to do so.

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

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

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

18 5. To ask your child's prospective adoptive parents any
19 questions that pertain to your decision to place your child
20 with them.

21 6. To see your child before signing a Consent or Specified
22 Consent.

23 7. To request contact with your child and/or the child's
24 prospective adoptive parents, with the understanding that any
25 promises regarding contact with your child or receipt of
26 information about the child after signing a Consent, Specified

1 Consent, or Unborn Consent cannot be enforced under Illinois
2 law.

3 8. To receive copies of all documents that you sign and
4 have those documents provided to you in your preferred
5 language.

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

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

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

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

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

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

24 As a Birth Parent in the State of Illinois, you have the
25 responsibility:

26 1. To carefully consider your reasons for choosing

1 adoption.

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

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

13 4. To not accept financial support or reimbursement of
14 pregnancy related expenses simultaneously from more than one
15 source.

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

18 CONSENT TO ADOPTION OF UNBORN CHILD

19 I,, state:

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

22 That I reside at County of, and State of

23 That I am of the age of years.

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

26 That I 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 Consent to Adoption
 6 of Unborn Child.

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

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

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

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

23 Dated (insert date).

24

25 B-5. (1) The parent of a child may execute a consent to
 26 standby adoption by a specified person or persons. A consent

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

7 FINAL AND IRREVOCABLE CONSENT

8 TO STANDBY ADOPTION

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

11 That the child was born on at

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

13 That I am of the age of years.

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

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

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

25 That I understand that until (I die) (the child's other
26 parent dies), I retain all legal rights and obligations

1 concerning the child, but at that time, I irrevocably give all
2 custody and other parental rights to (specified person or
3 persons).

4 I understand my child will be adopted by (specified
5 person or persons) only and that I cannot, under any
6 circumstances, after signing this document, change my mind and
7 revoke or cancel this consent or obtain or recover custody or
8 any other rights over my child if (specified person or
9 persons) adopt my child.

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

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

24 (2) If the parent consents to a standby adoption by 2
25 specified persons, then the form shall contain 2 additional

1 paragraphs in substantially the following form:

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

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

25 (3) The form of the certificate of acknowledgement for a
26 Final and Irrevocable Consent for Standby Adoption shall be

1 substantially as follows:

2 STATE OF)

3) SS.

4 COUNTY OF)

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

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

22 Dated (insert date).

23 Signature

24 (4) If a consent to standby adoption is executed in this

1 form, the consent shall be valid only if the specified person
2 or persons adopt the child. The consent shall be void if:

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

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

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

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

14 FINAL AND IRREVOCABLE SURRENDER

15 FOR PURPOSES OF ADOPTION

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

18 That such child was born on, at

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

20 That I am of the age of years.

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

1 consent to the legal adoption of such child.

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

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

14 That I understand I cannot under any circumstances, after
15 signing this surrender, change my mind and revoke or cancel
16 this surrender or obtain or recover custody or any other rights
17 over such child.

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 C-5. The form of a Final and Irrevocable Designated
23 Surrender for Purposes of Adoption to any agency given by a
24 parent of a born child who is to be subsequently placed for
25 adoption is to be used by legal parents only. The form shall be
26 substantially as follows and shall contain such other facts and

1 statements as the particular agency shall require:

2 FINAL AND IRREVOCABLE DESIGNATED SURRENDER

3 FOR PURPOSES OF ADOPTION

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

6 1. That such child was born on, at

7 2. That I reside at, County of, and State of
8

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

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

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

25 6. That if the petition for adoption is not filed by the
26 specified person or persons designated herein or, if the

1 petition for adoption is filed but the adoption petition is
2 dismissed with prejudice or the adoption proceeding is
3 otherwise concluded without an order declaring the child to be
4 the adopted child of each specified person, then I understand
5 that the Agency will provide notice to me within 10 business
6 days and that such notice will be directed to me using the
7 contact information I have provided to the Agency. I understand
8 that I will have 10 business days from the date that the Agency
9 sends me its notice to respond, within which time I may choose
10 to designate other adoptive parent(s). However, I acknowledge
11 that the Agency has full power and authority to place the child
12 for adoption with any person or persons it may in its sole
13 discretion select to become the adopting parent or parents and
14 to consent to the legal adoption of the child by such person or
15 persons.

16 7. That I acknowledge that this surrender is valid even if
17 the specified persons separate or divorce or one of the
18 specified persons dies prior to the entry of the final judgment
19 for adoption.

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

23 9. That I understand that I have a remaining obligation to
24 keep the Agency informed of my current contact information
25 until the adoption of the child has been finalized if I wish to
26 be notified in the event the adoption by the specified

1 person(s) cannot proceed.

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

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

8 Dated (insert date).

9

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

14 SURRENDER OF UNBORN CHILD FOR
15 PURPOSES OF ADOPTION

16 I, (father), state:

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

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

20 That I am of the age of years.

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

1 consent to the legal adoption of such child, and that I have
2 not previously executed a consent or surrender with respect to
3 such child.

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

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

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

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

24 Dated (insert date).

25

26 E. The form of consent required from the parents for the

1 adoption of an adult, when such adult elects to obtain such
2 consent, shall be substantially as follows:

3 CONSENT

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

5 That I reside at, County of and State of

6 That I do hereby consent and agree to the adoption of such
7 adult by and

8 Dated (insert date).

9

10 F. The form of consent required for the adoption of a child
11 of the age of 14 years or over ~~upwards~~, or of an adult, to be
12 given by such person, shall be substantially as follows:

13 CONSENT

14 I,, state:

15 That I reside at, County of and State of

16 That I am of the age of years. That I hereby enter my
17 appearance in this proceeding and waive service of summons on
18 me. That I consent and agree to my adoption by and

19 Dated (insert date).

20

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

1 appointment and the authority of the guardian to execute such
2 consent.

3 H. A consent (other than that given by an agency, or
4 guardian of the person of the child sought to be adopted who
5 was appointed by a court of competent jurisdiction) shall be
6 acknowledged by a parent before a judge of a court of competent
7 jurisdiction or, except as otherwise provided in this Act,
8 before a representative of an agency, or before a person, other
9 than the attorney for the prospective adoptive parent or
10 parents, designated by a court of competent jurisdiction.

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

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

21 STATE OF)

22) SS.

23 COUNTY OF ...)

24 I, (Name of judge or other person), (official
25 title, name and location of court or status or position of
26 other person), certify that, personally known to me to be

1 the same person whose name is subscribed to the foregoing
 2 (consent) (surrender), appeared before me this day in person
 3 and acknowledged that (she) (he) signed and delivered such
 4 (consent) (surrender) as (her) (his) free and voluntary act,
 5 for the specified purpose.

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

13 Dated (insert date).

14 Signature

15 K. When the execution of a consent or a surrender is
 16 acknowledged before someone other than a judge, such other
 17 person shall have his or her signature on the certificate
 18 acknowledged before a notary public, in form substantially as
 19 follows:

20 STATE OF)

21) SS.

22 COUNTY OF ...)

23 I, a Notary Public, in and for the County of, in the
 24 State of, certify that, personally known to me to
 25 be the same person whose name is subscribed to the foregoing
 26 certificate of acknowledgment, appeared before me in person and

1 acknowledged that (she) (he) signed such certificate as (her)
2 (his) free and voluntary act and that the statements made in
3 the certificate are true.

4 Dated (insert date).

5 Signature Notary Public
6 (official seal)

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

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

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

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

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

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

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

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

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

18 (2) The consent to adoption by a specified person or
 19 persons shall have the caption of the proceeding in which it is
 20 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 My child (name of child)

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

3 I reside at, County of
4 and State of

5 I,, am years old.

6 I enter my appearance in this action to adopt my child
7 by the person or persons specified herein by me and waive
8 service of summons on me in this action only.

9 I consent to the adoption of my child by
10 (specified person or
11 persons) only.

12 I wish to sign this consent and I understand that by
13 signing this consent I irrevocably and permanently give up
14 all parental rights I have to my child if my child is
15 adopted by (specified person
16 or persons).

17 I understand my child will be adopted by
18 (specified person or
19 persons) only and that I cannot under any circumstances,
20 after signing this document, change my mind and revoke or
21 cancel this consent or obtain or recover custody or any
22 other rights over my child if
23 (specified person or persons) adopt my child.

24 I understand that this consent to adoption is valid
25 only if the petition to adopt is filed within one year from
26 the date that I sign it and that if

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

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

14 Dated (insert date).

15

16 Signature of parent

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

20 If (specified persons) get a divorce
 21 before the petition to adopt my child is granted, then
 22 (specified person) shall adopt my child. I
 23 understand that I cannot change my mind and revoke this
 24 consent or obtain or recover custody over my child if
 25 (specified persons) divorce and
 26 (specified person) adopts my child. I

1 understand that I cannot change my mind and revoke this
 2 consent or obtain or recover custody over my child if
 3 (specified persons) divorce after the
 4 adoption is final. I understand that this consent to
 5 adoption has no effect on who will get custody of my child
 6 if they divorce after the adoption is final.

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

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

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

21 STATE OF)
 22) SS.
 23 COUNTY OF)

24 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, appeared before me this day in person and acknowledged
 6 that (she) (he) signed and delivered the consent as (her) (his)
 7 free and voluntary act, for the specified purpose.

8 I have fully explained that this consent to adoption is
 9 valid only if the petition to adopt is filed within one year
 10 from the date that it is signed, and that if the specified
 11 person or persons, for any reason, cannot or will not adopt the
 12 child or if the adoption petition is denied, then this consent
 13 will be voidable after one year upon the timely filing of a
 14 motion by the parent to revoke the consent. I explained that if
 15 this motion is filed before the filing of the petition for
 16 adoption, the court shall revoke this specific consent. I have
 17 fully explained that if the specified person or persons adopt
 18 the child, by signing this consent this parent is irrevocably
 19 and permanently relinquishing all parental rights to the child,
 20 and this parent has stated that such is (her) (his) intention
 21 and desire.

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 if that specified
2 person or persons adopt the child. The consent shall be
3 voidable after one year if:

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

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

11 (c) the Department of Children and Family Services
12 Guardianship Administrator determines that the specified
13 person or persons will not or cannot complete the adoption,
14 or in the best interests of the child should not adopt the
15 child.

16 Within 30 days of the consent becoming void, the Department
17 of Children and Family Services Guardianship Administrator
18 shall make good faith attempts to notify the parent in writing
19 and shall give written notice to the court and all additional
20 parties in writing that the adoption has not occurred or will
21 not occur and that the consent is void. If the adoption by a
22 specified person or persons does not occur, no proceeding for
23 termination of parental rights shall be brought unless the
24 biological parent who executed the consent to adoption by a
25 specified person or persons has been notified of the proceeding
26 pursuant to Section 7 of this Act or subsection (4) of Section

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

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

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

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

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

1 parent executing such consent in order to verify the identity
2 of the parent.

3 R. An agency whose representative is acknowledging a
4 consent pursuant to this Section shall be a public child
5 welfare agency, or a child welfare agency, or a child placing
6 agency that is authorized or licensed in the State or
7 jurisdiction in which the consent is signed.

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

10 FINAL AND IRREVOCABLE

11 WAIVER OF PARENTAL RIGHTS OF PUTATIVE OR LEGAL FATHER

12 I, , state under oath or affirm as
13 follows:

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

19 2. That I understand that the biological mother
20 intends to or has placed the child for
21 adoption.

22 3. That I reside at, in the City/Town
23 of....., State of

24 4. That I am years of age and my date

1 of birth is,

2 5. That I (select one):

3 am married to the biological mother.

4 am not married to the biological mother and
5 have not been married to the biological mother within
6 300 days before the child's birth or expected date of
7 child's birth.

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

12 6. That I (select one):

13 neither admit nor deny that I am the
14 biological father of the child.

15 deny that I am the biological father of the
16 child.

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

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

26 9. That I understand that this Waiver is FINAL AND

1 IRREVOCABLE and that I am permanently barred from
2 contesting any proceeding for the adoption of the child
3 after I sign this Waiver.

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

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

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

14 Dated: ,

15

16 Signature

17 OATH

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

1
2

Signature

3 Signed and Sworn before me on

4 this day

5 of, 20....

6

7 Notary Public

8 (Source: P.A. 96-601, eff. 8-21-09; 96-1461, eff. 1-1-11;

9 97-493, eff. 8-22-11.)