



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4636

by Rep. Sara Feigenholtz

SYNOPSIS AS INTRODUCED:

225 ILCS 10/2.04	from Ch. 23, par. 2212.04
750 ILCS 50/1	from Ch. 40, par. 1501
750 ILCS 50/2	from Ch. 40, par. 1502
750 ILCS 50/4	from Ch. 40, par. 1505

Amends the Child Care Act of 1969. Provides that "related" includes relationships by civil union and adds stepgrandparents and second cousins to the list of relatives included in the definition. Provides that a person is related to a child as a first cousin or a second cousin if they are both related to the same ancestor as either grandchild or great-grandchild. Provides that a child whose parent has executed a consent, a surrender, or a waiver under the Adoption Act or whose parent has had his or her parental rights terminated is not a related child to that person, unless certain exceptions apply. Amends the Adoption Act. Changes the definition of "related child" and "parent" and defines "legal father", and "legal mother". Provides that the terms "biological parent", "birth parent", and "natural parent" are interchangeable terms that mean a person who is biologically or genetically related to that child as a parent. Provides that certain residence requirements do not apply if the child to be adopted has resided in this State for a period of 6 months immediately preceding the commencement of the adoption proceeding or since birth if the child is not yet 6 months of age. Replaces the provisions of a Section concerning jurisdiction and venue with provisions stating that an adoption proceeding may be commenced in any county in this State.

LRB098 17076 HEP 52161 b

1 AN ACT concerning civil law.

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

4 Section 5. The Child Care Act of 1969 is amended by
5 changing Section 2.04 as follows:

6 (225 ILCS 10/2.04) (from Ch. 23, par. 2212.04)

7 Sec. 2.04. "Related" means any of the following
8 relationships by blood, marriage, civil union, or adoption:
9 parent, grandparent, great-grandparent, great-uncle,
10 great-aunt, brother, sister, stepgrandparent, stepparent,
11 stepbrother, stepsister, uncle, aunt, nephew, niece, or first
12 cousin or second cousin. A person is related to a child as a
13 first cousin or a second cousin if they are both related to the
14 same ancestor as either grandchild or great-grandchild. A child
15 whose parent has executed a consent, a surrender, or a waiver
16 pursuant to Section 10 of the Adoption Act or whose parent has
17 had his or her parental rights terminated is not a related
18 child to that person, unless (1) the consent is determined to
19 be void or is void pursuant to subsection O of Section 10 of
20 the Adoption Act; or (2) the parent of the child executed a
21 consent to adoption by a specified person or persons pursuant
22 to subsection A-1 of Section 10 of the Adoption Act and a court
23 finds that the consent is void; or (3) the order terminating

1 the parental rights of the parent is vacated by a court of
2 competent jurisdiction.

3 (Source: P.A. 80-459.)

4 Section 10. The Adoption Act is amended by changing
5 Sections 1, 2, and 4 as follows:

6 (750 ILCS 50/1) (from Ch. 40, par. 1501)

7 Sec. 1. Definitions. When used in this Act, unless the
8 context otherwise requires:

9 A. "Child" means a person under legal age subject to
10 adoption under this Act.

11 B. "Related child" means a child subject to adoption where
12 either or both of the adopting parents stands in any of the
13 following relationships to the child by blood, ~~or~~ marriage, ~~or~~
14 adoption, or civil union: parent, grand-parent,
15 great-grandparent, brother, sister, step-parent,
16 step-grandparent, step-brother, step-sister, uncle, aunt,
17 great-uncle, great-aunt, first cousin, or second ~~or~~ ~~cousin of~~
18 ~~first degree~~. A person is related to the child as a first
19 cousin or second cousin if they are both related to the same
20 ancestor as either grandchild or great-grandchild. A child
21 whose parent has executed a ~~final irrevocable~~ consent to
22 adoption, ~~or~~ a ~~final irrevocable~~ surrender, or a waiver
23 pursuant to Section 10 of this Act ~~for purposes of adoption~~, or
24 whose parent has had his or her parental rights terminated, is

1 not a related child to that person, unless (1) the consent is
2 determined to be void or is void pursuant to subsection O of
3 Section 10 of this Act; or (2) the parent of the child executed
4 a consent to adoption by a specified person or persons pursuant
5 to subsection A-1 of Section 10 of this Act and a court of
6 competent jurisdiction finds that such consent is void; or (3)
7 the order terminating the parental rights of the parent is
8 vacated by a court of competent jurisdiction.

9 C. "Agency" for the purpose of this Act means a public
10 child welfare agency or a licensed child welfare agency.

11 D. "Unfit person" means any person whom the court shall
12 find to be unfit to have a child, without regard to the
13 likelihood that the child will be placed for adoption. The
14 grounds of unfitness are any one or more of the following,
15 except that a person shall not be considered an unfit person
16 for the sole reason that the person has relinquished a child in
17 accordance with the Abandoned Newborn Infant Protection Act:

18 (a) Abandonment of the child.

19 (a-1) Abandonment of a newborn infant in a hospital.

20 (a-2) Abandonment of a newborn infant in any setting
21 where the evidence suggests that the parent intended to
22 relinquish his or her parental rights.

23 (b) Failure to maintain a reasonable degree of
24 interest, concern or responsibility as to the child's
25 welfare.

26 (c) Desertion of the child for more than 3 months next

1 preceding the commencement of the Adoption proceeding.

2 (d) Substantial neglect of the child if continuous or
3 repeated.

4 (d-1) Substantial neglect, if continuous or repeated,
5 of any child residing in the household which resulted in
6 the death of that child.

7 (e) Extreme or repeated cruelty to the child.

8 (f) There is a rebuttable presumption, which can be
9 overcome only by clear and convincing evidence, that a
10 parent is unfit if:

11 (1) Two or more findings of physical abuse have
12 been entered regarding any children under Section 2-21
13 of the Juvenile Court Act of 1987, the most recent of
14 which was determined by the juvenile court hearing the
15 matter to be supported by clear and convincing
16 evidence; or

17 (2) The parent has been convicted or found not
18 guilty by reason of insanity and the conviction or
19 finding resulted from the death of any child by
20 physical abuse; or

21 (3) There is a finding of physical child abuse
22 resulting from the death of any child under Section
23 2-21 of the Juvenile Court Act of 1987.

24 No conviction or finding of delinquency pursuant
25 to Article V ~~5~~ of the Juvenile Court Act of 1987 shall
26 be considered a criminal conviction for the purpose of

1 applying any presumption under this item (f).

2 (g) Failure to protect the child from conditions within
3 his environment injurious to the child's welfare.

4 (h) Other neglect of, or misconduct toward the child;
5 provided that in making a finding of unfitness the court
6 hearing the adoption proceeding shall not be bound by any
7 previous finding, order or judgment affecting or
8 determining the rights of the parents toward the child
9 sought to be adopted in any other proceeding except such
10 proceedings terminating parental rights as shall be had
11 under either this Act, the Juvenile Court Act or the
12 Juvenile Court Act of 1987.

13 (i) Depravity. Conviction of any one of the following
14 crimes shall create a presumption that a parent is depraved
15 which can be overcome only by clear and convincing
16 evidence: (1) first degree murder in violation of paragraph
17 1 or 2 of subsection (a) of Section 9-1 of the Criminal
18 Code of 1961 or the Criminal Code of 2012 or conviction of
19 second degree murder in violation of subsection (a) of
20 Section 9-2 of the Criminal Code of 1961 or the Criminal
21 Code of 2012 of a parent of the child to be adopted; (2)
22 first degree murder or second degree murder of any child in
23 violation of the Criminal Code of 1961 or the Criminal Code
24 of 2012; (3) attempt or conspiracy to commit first degree
25 murder or second degree murder of any child in violation of
26 the Criminal Code of 1961 or the Criminal Code of 2012; (4)

1 solicitation to commit murder of any child, solicitation to
2 commit murder of any child for hire, or solicitation to
3 commit second degree murder of any child in violation of
4 the Criminal Code of 1961 or the Criminal Code of 2012; (5)
5 predatory criminal sexual assault of a child in violation
6 of Section 11-1.40 or 12-14.1 of the Criminal Code of 1961
7 or the Criminal Code of 2012; (6) heinous battery of any
8 child in violation of the Criminal Code of 1961; or (7)
9 aggravated battery of any child in violation of the
10 Criminal Code of 1961 or the Criminal Code of 2012.

11 There is a rebuttable presumption that a parent is
12 deprived if the parent has been criminally convicted of at
13 least 3 felonies under the laws of this State or any other
14 state, or under federal law, or the criminal laws of any
15 United States territory; and at least one of these
16 convictions took place within 5 years of the filing of the
17 petition or motion seeking termination of parental rights.

18 There is a rebuttable presumption that a parent is
19 deprived if that parent has been criminally convicted of
20 either first or second degree murder of any person as
21 defined in the Criminal Code of 1961 or the Criminal Code
22 of 2012 within 10 years of the filing date of the petition
23 or motion to terminate parental rights.

24 No conviction or finding of delinquency pursuant to
25 Article 5 of the Juvenile Court Act of 1987 shall be
26 considered a criminal conviction for the purpose of

1 applying any presumption under this item (i).

2 (j) Open and notorious adultery or fornication.

3 (j-1) (Blank).

4 (k) Habitual drunkenness or addiction to drugs, other
5 than those prescribed by a physician, for at least one year
6 immediately prior to the commencement of the unfitness
7 proceeding.

8 There is a rebuttable presumption that a parent is
9 unfit under this subsection with respect to any child to
10 which that parent gives birth where there is a confirmed
11 test result that at birth the child's blood, urine, or
12 meconium contained any amount of a controlled substance as
13 defined in subsection (f) of Section 102 of the Illinois
14 Controlled Substances Act or metabolites of such
15 substances, the presence of which in the newborn infant was
16 not the result of medical treatment administered to the
17 mother or the newborn infant; and the biological mother of
18 this child is the biological mother of at least one other
19 child who was adjudicated a neglected minor under
20 subsection (c) of Section 2-3 of the Juvenile Court Act of
21 1987.

22 (l) Failure to demonstrate a reasonable degree of
23 interest, concern or responsibility as to the welfare of a
24 new born child during the first 30 days after its birth.

25 (m) Failure by a parent (i) to make reasonable efforts
26 to correct the conditions that were the basis for the

1 removal of the child from the parent during any 9-month
2 period following the adjudication of neglected or abused
3 minor under Section 2-3 of the Juvenile Court Act of 1987
4 or dependent minor under Section 2-4 of that Act, or (ii)
5 to make reasonable progress toward the return of the child
6 to the parent during any 9-month period following the
7 adjudication of neglected or abused minor under Section 2-3
8 of the Juvenile Court Act of 1987 or dependent minor under
9 Section 2-4 of that Act. If a service plan has been
10 established as required under Section 8.2 of the Abused and
11 Neglected Child Reporting Act to correct the conditions
12 that were the basis for the removal of the child from the
13 parent and if those services were available, then, for
14 purposes of this Act, "failure to make reasonable progress
15 toward the return of the child to the parent" includes the
16 parent's failure to substantially fulfill his or her
17 obligations under the service plan and correct the
18 conditions that brought the child into care during any
19 9-month period following the adjudication under Section
20 2-3 or 2-4 of the Juvenile Court Act of 1987.
21 Notwithstanding any other provision, when a petition or
22 motion seeks to terminate parental rights on the basis of
23 item (ii) of this subsection (m), the petitioner shall file
24 with the court and serve on the parties a pleading that
25 specifies the 9-month period or periods relied on. The
26 pleading shall be filed and served on the parties no later

1 than 3 weeks before the date set by the court for closure
2 of discovery, and the allegations in the pleading shall be
3 treated as incorporated into the petition or motion.
4 Failure of a respondent to file a written denial of the
5 allegations in the pleading shall not be treated as an
6 admission that the allegations are true.

7 (m-1) Pursuant to the Juvenile Court Act of 1987, a
8 child has been in foster care for 15 months out of any 22
9 month period which begins on or after the effective date of
10 this amendatory Act of 1998 unless the child's parent can
11 prove by a preponderance of the evidence that it is more
12 likely than not that it will be in the best interests of
13 the child to be returned to the parent within 6 months of
14 the date on which a petition for termination of parental
15 rights is filed under the Juvenile Court Act of 1987. The
16 15 month time limit is tolled during any period for which
17 there is a court finding that the appointed custodian or
18 guardian failed to make reasonable efforts to reunify the
19 child with his or her family, provided that (i) the finding
20 of no reasonable efforts is made within 60 days of the
21 period when reasonable efforts were not made or (ii) the
22 parent filed a motion requesting a finding of no reasonable
23 efforts within 60 days of the period when reasonable
24 efforts were not made. For purposes of this subdivision
25 (m-1), the date of entering foster care is the earlier of:
26 (i) the date of a judicial finding at an adjudicatory

1 hearing that the child is an abused, neglected, or
2 dependent minor; or (ii) 60 days after the date on which
3 the child is removed from his or her parent, guardian, or
4 legal custodian.

5 (n) Evidence of intent to forgo his or her parental
6 rights, whether or not the child is a ward of the court,
7 (1) as manifested by his or her failure for a period of 12
8 months: (i) to visit the child, (ii) to communicate with
9 the child or agency, although able to do so and not
10 prevented from doing so by an agency or by court order, or
11 (iii) to maintain contact with or plan for the future of
12 the child, although physically able to do so, or (2) as
13 manifested by the father's failure, where he and the mother
14 of the child were unmarried to each other at the time of
15 the child's birth, (i) to commence legal proceedings to
16 establish his paternity under the Illinois Parentage Act of
17 1984 or the law of the jurisdiction of the child's birth
18 within 30 days of being informed, pursuant to Section 12a
19 of this Act, that he is the father or the likely father of
20 the child or, after being so informed where the child is
21 not yet born, within 30 days of the child's birth, or (ii)
22 to make a good faith effort to pay a reasonable amount of
23 the expenses related to the birth of the child and to
24 provide a reasonable amount for the financial support of
25 the child, the court to consider in its determination all
26 relevant circumstances, including the financial condition

1 of both parents; provided that the ground for termination
2 provided in this subparagraph (n)(2)(ii) shall only be
3 available where the petition is brought by the mother or
4 the husband of the mother.

5 Contact or communication by a parent with his or her
6 child that does not demonstrate affection and concern does
7 not constitute reasonable contact and planning under
8 subdivision (n). In the absence of evidence to the
9 contrary, the ability to visit, communicate, maintain
10 contact, pay expenses and plan for the future shall be
11 presumed. The subjective intent of the parent, whether
12 expressed or otherwise, unsupported by evidence of the
13 foregoing parental acts manifesting that intent, shall not
14 preclude a determination that the parent has intended to
15 forgo his or her parental rights. In making this
16 determination, the court may consider but shall not require
17 a showing of diligent efforts by an authorized agency to
18 encourage the parent to perform the acts specified in
19 subdivision (n).

20 It shall be an affirmative defense to any allegation
21 under paragraph (2) of this subsection that the father's
22 failure was due to circumstances beyond his control or to
23 impediments created by the mother or any other person
24 having legal custody. Proof of that fact need only be by a
25 preponderance of the evidence.

26 (o) Repeated or continuous failure by the parents,

1 although physically and financially able, to provide the
2 child with adequate food, clothing, or shelter.

3 (p) Inability to discharge parental responsibilities
4 supported by competent evidence from a psychiatrist,
5 licensed clinical social worker, or clinical psychologist
6 of mental impairment, mental illness or an intellectual
7 disability as defined in Section 1-116 of the Mental Health
8 and Developmental Disabilities Code, or developmental
9 disability as defined in Section 1-106 of that Code, and
10 there is sufficient justification to believe that the
11 inability to discharge parental responsibilities shall
12 extend beyond a reasonable time period. However, this
13 subdivision (p) shall not be construed so as to permit a
14 licensed clinical social worker to conduct any medical
15 diagnosis to determine mental illness or mental
16 impairment.

17 (q) (Blank).

18 (r) The child is in the temporary custody or
19 guardianship of the Department of Children and Family
20 Services, the parent is incarcerated as a result of
21 criminal conviction at the time the petition or motion for
22 termination of parental rights is filed, prior to
23 incarceration the parent had little or no contact with the
24 child or provided little or no support for the child, and
25 the parent's incarceration will prevent the parent from
26 discharging his or her parental responsibilities for the

1 child for a period in excess of 2 years after the filing of
2 the petition or motion for termination of parental rights.

3 (s) The child is in the temporary custody or
4 guardianship of the Department of Children and Family
5 Services, the parent is incarcerated at the time the
6 petition or motion for termination of parental rights is
7 filed, the parent has been repeatedly incarcerated as a
8 result of criminal convictions, and the parent's repeated
9 incarceration has prevented the parent from discharging
10 his or her parental responsibilities for the child.

11 (t) A finding that at birth the child's blood, urine,
12 or meconium contained any amount of a controlled substance
13 as defined in subsection (f) of Section 102 of the Illinois
14 Controlled Substances Act, or a metabolite of a controlled
15 substance, with the exception of controlled substances or
16 metabolites of such substances, the presence of which in
17 the newborn infant was the result of medical treatment
18 administered to the mother or the newborn infant, and that
19 the biological mother of this child is the biological
20 mother of at least one other child who was adjudicated a
21 neglected minor under subsection (c) of Section 2-3 of the
22 Juvenile Court Act of 1987, after which the biological
23 mother had the opportunity to enroll in and participate in
24 a clinically appropriate substance abuse counseling,
25 treatment, and rehabilitation program.

26 E. "Parent" or "co-parent" means a person who is the legal

1 mother or legal father of the child as defined in subsection X
2 or Y of this Section. For the purpose of this Act, a parent who
3 has executed a consent to adoption, a surrender, or a waiver
4 pursuant to Section 10 of this Act, who has signed a Denial of
5 Paternity pursuant to Section 12 of the Vital Records Act, or
6 whose parental rights have been terminated by a court, is not a
7 parent of the child who was the subject of the consent,
8 surrender, or waiver unless (1) the consent is void pursuant to
9 subsection O of Section 10 of this Act; or (2) the person
10 executed a consent to adoption by a specified person or persons
11 pursuant to subsection A-1 of Section 10 of this Act and a
12 court of competent jurisdiction finds that the consent is void;
13 or (3) the order terminating the parental rights of the person
14 is vacated by a court of competent jurisdiction ~~the father or~~
15 ~~mother of a lawful child of the parties or child born out of~~
16 ~~wedlock. For the purpose of this Act, a person who has executed~~
17 ~~a final and irrevocable consent to adoption or a final and~~
18 ~~irrevocable surrender for purposes of adoption, or whose~~
19 ~~parental rights have been terminated by a court, is not a~~
20 ~~parent of the child who was the subject of the consent or~~
21 ~~surrender, unless the consent is void pursuant to subsection O~~
22 ~~of Section 10.~~

23 F. A person is available for adoption when the person is:

24 (a) a child who has been surrendered for adoption to an
25 agency and to whose adoption the agency has thereafter
26 consented;

1 (b) a child to whose adoption a person authorized by
2 law, other than his parents, has consented, or to whose
3 adoption no consent is required pursuant to Section 8 of
4 this Act;

5 (c) a child who is in the custody of persons who intend
6 to adopt him through placement made by his parents;

7 (c-1) a child for whom a parent has signed a specific
8 consent pursuant to subsection O of Section 10;

9 (d) an adult who meets the conditions set forth in
10 Section 3 of this Act; or

11 (e) a child who has been relinquished as defined in
12 Section 10 of the Abandoned Newborn Infant Protection Act.

13 A person who would otherwise be available for adoption
14 shall not be deemed unavailable for adoption solely by reason
15 of his or her death.

16 G. The singular includes the plural and the plural includes
17 the singular and the "male" includes the "female", as the
18 context of this Act may require.

19 H. "Adoption disruption" occurs when an adoptive placement
20 does not prove successful and it becomes necessary for the
21 child to be removed from placement before the adoption is
22 finalized.

23 I. "Habitual residence" has the meaning ascribed to it in
24 the federal Intercountry Adoption Act of 2000 and regulations
25 promulgated thereunder.

26 J. "Immediate relatives" means the biological parents, the

1 parents of the biological parents and siblings of the
2 biological parents.

3 K. "Intercountry adoption" is a process by which a child
4 from a country other than the United States is adopted by
5 persons who are habitual residents of the United States, or the
6 child is a habitual resident of the United States who is
7 adopted by persons who are habitual residents of a country
8 other than the United States.

9 L. "Intercountry Adoption Coordinator" means a staff
10 person of the Department of Children and Family Services
11 appointed by the Director to coordinate the provision of
12 services related to an intercountry adoption.

13 M. "Interstate Compact on the Placement of Children" is a
14 law enacted by all states and certain territories for the
15 purpose of establishing uniform procedures for handling the
16 interstate placement of children in foster homes, adoptive
17 homes, or other child care facilities.

18 N. (Blank).

19 O. "Preadoption requirements" means any conditions or
20 standards established by the laws or administrative rules of
21 this State that must be met by a prospective adoptive parent
22 prior to the placement of a child in an adoptive home.

23 P. "Abused child" means a child whose parent or immediate
24 family member, or any person responsible for the child's
25 welfare, or any individual residing in the same home as the
26 child, or a paramour of the child's parent:

1 (a) inflicts, causes to be inflicted, or allows to be
2 inflicted upon the child physical injury, by other than
3 accidental means, that causes death, disfigurement,
4 impairment of physical or emotional health, or loss or
5 impairment of any bodily function;

6 (b) creates a substantial risk of physical injury to
7 the child by other than accidental means which would be
8 likely to cause death, disfigurement, impairment of
9 physical or emotional health, or loss or impairment of any
10 bodily function;

11 (c) commits or allows to be committed any sex offense
12 against the child, as sex offenses are defined in the
13 Criminal Code of 2012 and extending those definitions of
14 sex offenses to include children under 18 years of age;

15 (d) commits or allows to be committed an act or acts of
16 torture upon the child; or

17 (e) inflicts excessive corporal punishment.

18 Q. "Neglected child" means any child whose parent or other
19 person responsible for the child's welfare withholds or denies
20 nourishment or medically indicated treatment including food or
21 care denied solely on the basis of the present or anticipated
22 mental or physical impairment as determined by a physician
23 acting alone or in consultation with other physicians or
24 otherwise does not provide the proper or necessary support,
25 education as required by law, or medical or other remedial care
26 recognized under State law as necessary for a child's

1 well-being, or other care necessary for his or her well-being,
2 including adequate food, clothing and shelter; or who is
3 abandoned by his or her parents or other person responsible for
4 the child's welfare.

5 A child shall not be considered neglected or abused for the
6 sole reason that the child's parent or other person responsible
7 for his or her welfare depends upon spiritual means through
8 prayer alone for the treatment or cure of disease or remedial
9 care as provided under Section 4 of the Abused and Neglected
10 Child Reporting Act. A child shall not be considered neglected
11 or abused for the sole reason that the child's parent or other
12 person responsible for the child's welfare failed to vaccinate,
13 delayed vaccination, or refused vaccination for the child due
14 to a waiver on religious or medical grounds as permitted by
15 law.

16 R. "Putative father" means a man who may be a child's
17 father, but who (1) is not married to the child's mother on or
18 before the date that the child was or is to be born and (2) has
19 not established paternity of the child in a court proceeding
20 before the filing of a petition for the adoption of the child.
21 The term includes a male who is less than 18 years of age.
22 "Putative father" does not mean a man who is the child's father
23 as a result of criminal sexual abuse or assault as defined
24 under Article 11 of the Criminal Code of 2012.

25 S. "Standby adoption" means an adoption in which a parent
26 consents to custody and termination of parental rights to

1 become effective upon the occurrence of a future event, which
2 is either the death of the parent or the request of the parent
3 for the entry of a final judgment of adoption.

4 T. (Blank).

5 T-5. "Biological parent", "birth parent", or "natural
6 parent" of a child are interchangeable terms that mean a person
7 who is biologically or genetically related to that child as a
8 parent.

9 U. "Interstate adoption" means the placement of a minor
10 child with a prospective adoptive parent for the purpose of
11 pursuing an adoption for that child that is subject to the
12 provisions of the Interstate Compact on Placement of Children.

13 V. "Endorsement letter" means the letter issued by the
14 Department of Children and Family Services to document that a
15 prospective adoptive parent has met preadoption requirements
16 and has been deemed suitable by the Department to adopt a child
17 who is the subject of an intercountry adoption.

18 W. "Denial letter" means the letter issued by the
19 Department of Children and Family Services to document that a
20 prospective adoptive parent has not met preadoption
21 requirements and has not been deemed suitable by the Department
22 to adopt a child who is the subject of an intercountry
23 adoption.

24 X. "Legal father" of a child means a man who is recognized
25 as that child's father:

26 (1) because of his marriage to or civil union with the

1 child's parent at the time of the child's birth or within
2 300 days prior to that child's birth, unless he signed a
3 denial of paternity pursuant to Section 12 of the Vital
4 Records Act; or

5 (2) because his paternity of the child has been
6 established pursuant to the Illinois Parentage Act, the
7 Illinois Parentage Act of 1984, or the Gestational
8 Surrogacy Act; or

9 (3) because he is listed as the child's father, parent,
10 or co-parent on the child's birth certificate, unless he is
11 otherwise determined by an administrative or judicial
12 proceeding not to be the parent of the child or unless he
13 rescinds his acknowledgment of paternity pursuant to the
14 Illinois Parentage Act of 1984; or

15 (4) because his paternity or adoption of the child has
16 been established by a court of competent jurisdiction.

17 Y. "Legal mother" of a child means a woman who is
18 recognized as that child's mother:

19 (1) because she gave birth to the child except as
20 provided in the Gestational Surrogacy Act; or

21 (2) because her maternity of the child has been
22 established pursuant to the Illinois Parentage Act of 1984
23 or the Gestational Surrogacy Act; or

24 (3) because her maternity or adoption of the child has
25 been established by a court of competent jurisdiction; or

26 (4) because of her marriage to or civil union with the

1 child's other parent at the time of the child's birth or
2 within 300 days prior to the time of birth; or

3 (5) because she is listed as the child's mother,
4 parent, or co-parent on the child's birth certificate
5 unless she is otherwise determined by an administrative or
6 judicial proceeding not to be the parent of the child.

7 (Source: P.A. 97-227, eff. 1-1-12; 97-1109, eff. 1-1-13;
8 97-1150, eff. 1-25-13; 98-455, eff. 1-1-14; 98-532, eff.
9 1-1-14; revised 9-24-13.)

10 (750 ILCS 50/2) (from Ch. 40, par. 1502)

11 Sec. 2. Who may adopt a child.

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

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

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

2 B. The residence requirement specified in paragraph A of
3 this Section shall not apply to an adoption of a related child
4 or to an adoption of a child placed by an agency or if the child
5 to be adopted has resided in this State for a period of 6
6 months immediately preceding the commencement of the adoption
7 proceeding or since birth if the child is not yet 6 months of
8 age.

9 (Source: P.A. 96-328, eff. 8-11-09.)

10 (750 ILCS 50/4) (from Ch. 40, par. 1505)

11 Sec. 4. Venue ~~Jurisdiction and venue~~.

12 An adoption proceeding may be commenced in any county in
13 this State ~~the circuit court of the county in which petitioners~~
14 ~~reside, or the county in which the person to be adopted~~
15 ~~resides, or was born, or the county in which the parents of~~
16 ~~such person reside, provided, however, if an agency has~~
17 ~~acquired the custody and control of a child and such agency is~~
18 ~~authorized to consent to the adoption of such child, the~~
19 ~~proceeding may be commenced in any county, and provided further~~
20 ~~that if a guardian of the person of such child has been~~
21 ~~appointed by a court of competent jurisdiction, the proceeding~~
22 ~~may be commenced in any county.~~

23 (Source: Laws 1965, p. 3308.)