



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

**HB4641**

by Rep. Sara Feigenholtz

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Child Care Act of 1969. Adds requirements for approval of adoption-only homes by licensed child welfare agencies. Requires that, in approving an adoption-only home, if an adult resident has an arrest or conviction record, the licensed child welfare agency shall thoroughly investigate and evaluate the criminal history and the resident and shall not approve the home under specified circumstances. Amends the Adoption Act. Makes changes concerning the content of the Birth Parent Rights and Responsibilities-Private Form, including the right to provide medical, background, and family information to the child's prospective adoptive parents or their attorney through a voluntary Birth Parent Medical Information form. Provides that, prior to finalization of an adoption, any prospective adoptive parent in a private adoption who is not being provided with adoption services by a licensed child welfare agency, who is not adopting a related child, and who is not adopting a child who is a ward of the Department of Children and Family Services shall be provided an Adoptive Parent Rights and Responsibilities-Private Form. Adds additional requirements in cases of adoptions in which an Illinois licensed child welfare agency is not providing adoption services and the child who is the subject of the adoption is not a related child of the prospective adoptive parent and not under the custody or guardianship of the Department of Children and Family Services under the Juvenile Court Act of 1987. Makes other changes.

LRB099 18531 SMS 42910 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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 Sections 2.08, 2.17, 2.23, 2.25, 7.4, and 7.6 and by  
6 adding Sections 3.2 and 3.3 as follows:

7 (225 ILCS 10/2.08) (from Ch. 23, par. 2212.08)

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

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

2 (225 ILCS 10/2.17) (from Ch. 23, par. 2212.17)

3 Sec. 2.17. "Foster family home" means a facility for child  
4 care in residences of families who receive no more than 8  
5 children unrelated to them, unless all the children are of  
6 common parentage, or residences of relatives who receive no  
7 more than 8 related children placed by the Department, unless  
8 the children are of common parentage, for the purpose of  
9 providing family care and training for the children on a  
10 full-time basis, except the Director of Children and Family  
11 Services, pursuant to Department regulations, may waive the  
12 limit of 8 children unrelated to an adoptive family for good  
13 cause and only to facilitate an adoptive placement. The  
14 family's or relative's own children, under 18 years of age,  
15 shall be included in determining the maximum number of children  
16 served. For purposes of this Section, a "relative" includes any  
17 person, 21 years of age or over, other than the parent, who (i)  
18 is currently related to the child in any of the following ways  
19 by blood or adoption: grandparent, sibling, great-grandparent,  
20 uncle, aunt, nephew, niece, first cousin, great-uncle, or  
21 great-aunt; or (ii) is the spouse of such a relative; or (iii)  
22 is a child's step-father, step-mother, or adult step-brother or  
23 step-sister; or (iv) is a fictive kin; "relative" also includes  
24 a person related in any of the foregoing ways to a sibling of a  
25 child, even though the person is not related to the child, when

1 the child and its sibling are placed together with that person.  
2 For purposes of placement of children pursuant to Section 7 of  
3 the Children and Family Services Act and for purposes of  
4 licensing requirements set forth in Section 4 of this Act, for  
5 children under the custody or guardianship of the Department  
6 pursuant to the Juvenile Court Act of 1987, after a parent  
7 signs a consent, surrender, or waiver or after a parent's  
8 rights are otherwise terminated, and while the child remains in  
9 the custody or guardianship of the Department, the child is  
10 considered to be related to those to whom the child was related  
11 under this Section prior to the signing of the consent,  
12 surrender, or waiver or the order of termination of parental  
13 rights. The term "foster family home" includes homes receiving  
14 children from any State-operated institution for child care; or  
15 from any agency established by a municipality or other  
16 political subdivision of the State of Illinois authorized to  
17 provide care for children outside their own homes. The term  
18 "foster family home" does not include an "adoption-only home"  
19 as defined in Section 2.23 of this Act. The types of foster  
20 family homes are defined as follows:

21 (a) "Boarding home" means a foster family home which  
22 receives payment for regular full-time care of a child or  
23 children.

24 (b) "Free home" means a foster family home other than  
25 an adoptive home which does not receive payments for the  
26 care of a child or children.

1           (c) "Adoptive home" means a foster family home which  
2 receives a child or children for the purpose of adopting  
3 the child or children, but does not include an  
4 adoption-only home.

5           (d) "Work-wage home" means a foster family home which  
6 receives a child or children who pay part or all of their  
7 board by rendering some services to the family not  
8 prohibited by the Child Labor Law or by standards or  
9 regulations of the Department prescribed under this Act.  
10 The child or children may receive a wage in connection with  
11 the services rendered the foster family.

12           (e) "Agency-supervised home" means a foster family  
13 home under the direct and regular supervision of a licensed  
14 child welfare agency, of the Department of Children and  
15 Family Services, of a circuit court, or of any other State  
16 agency which has authority to place children in child care  
17 facilities, and which receives no more than 8 children,  
18 unless of common parentage, who are placed and are  
19 regularly supervised by one of the specified agencies.

20           (f) "Independent home" means a foster family home,  
21 other than an adoptive home, which receives no more than 4  
22 children, unless of common parentage, directly from  
23 parents, or other legally responsible persons, by  
24 independent arrangement and which is not subject to direct  
25 and regular supervision of a specified agency except as  
26 such supervision pertains to licensing by the Department.

1 (Source: P.A. 98-804, eff. 1-1-15; 98-846, eff. 1-1-15; 99-78,  
2 eff. 7-20-15.)

3 (225 ILCS 10/2.23)

4 Sec. 2.23. "Adoption-only home" means a home that receives  
5 a child placed by an Illinois licensed child welfare agency  
6 providing adoption services for the sole purpose of adoption.  
7 The child shall not be under the custody or guardianship of the  
8 Department pursuant to the Juvenile Court Act of 1987. Such  
9 adoption-only home shall not be required to be licensed as a  
10 child care facility under this Act, but shall be required to  
11 meet the requirements set forth in Section 3.2 of this Act  
12 ~~family home that receives only children whose parents' parental~~  
13 ~~rights have been terminated or surrendered for the purpose of~~  
14 ~~adoption only.~~

15 (Source: P.A. 92-318, eff. 1-1-02.)

16 (225 ILCS 10/2.25)

17 Sec. 2.25. "Unlicensed pre-adoptive and adoptive home"  
18 means any home that is not licensed by the Department as a  
19 foster family home and that receives a child or children for  
20 the purpose of adopting the child or children, but does not  
21 include an adoption-only home.

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

23 (225 ILCS 10/3.2 new)

1       Sec. 3.2. Requirements for adoption-only homes. In  
2 addition to the other requirements contained in this Act, in  
3 order to approve an adoption-only home, a licensed child  
4 welfare agency shall:

5           (1) conduct a home study, which shall consist of a  
6 thorough assessment of any prospective adoptive parent's  
7 physical, mental, financial, and emotional ability to  
8 successfully parent a child through adoption;

9           (2) obtain a criminal background check of all adult  
10 residents in the home pursuant to Section 3.3 of this Act;

11           (3) obtain child abuse background checks of all  
12 residents in the home who are 13 years of age or over;

13           (4) assess the health of all prospective adoptive  
14 parents and family members living in the home, as well as  
15 any residents of the home;

16           (5) assess the finances of the prospective adoptive  
17 parent or parents;

18           (6) obtain character references for the prospective  
19 adoptive parent or parents;

20           (7) assess the safety of the adoptive home;

21           (8) provide adoption education and training to the  
22 prospective adoptive parent or parents; and

23           (9) conduct a pre-placement home visit and  
24 post-placement supervision.

25       The licensed child welfare agency may impose any other  
26 reasonable requirements that the agency deems appropriate in

1 approving an adoption-only home. The Department shall adopt  
2 procedures necessary for the implementation of this Section no  
3 later than 30 days after the effective date of this amendatory  
4 Act of the 99th General Assembly.

5 (225 ILCS 10/3.3 new)

6 Sec. 3.3. Requirements for criminal background checks for  
7 adoption-only homes. In approving an adoption-only home  
8 pursuant to Section 3.2 of this Act, if an adult resident has  
9 an arrest or conviction record, the licensed child welfare  
10 agency:

11 (1) shall thoroughly investigate and evaluate the  
12 criminal history of the resident and, in so doing, include  
13 an assessment of the applicant's character and, in the case  
14 of the prospective adoptive parent, the impact that the  
15 criminal history has on his or her ability to parent the  
16 child; the investigation should consider the type of crime,  
17 the number of crimes, the nature of the offense, the age at  
18 time of crime, the length of time that has elapsed since  
19 the last conviction, the relationship of the crime to the  
20 ability to care for children, and any evidence of  
21 rehabilitation;

22 (2) shall not approve the home if the record reveals a  
23 felony conviction for crimes against a child, including,  
24 but not limited to, child abuse or neglect, child  
25 pornography, rape, sexual assault, or homicide;



1           (3) shall not approve the home if the record reveals a  
2           felony conviction within the last 5 years, including, but  
3           not limited to, for physical assault, battery,  
4           drug-related offenses, or spousal abuse; and

5           (4) shall not approve the home if the record reveals a  
6           felony conviction for homicide, rape, or sexual assault.

7           (225 ILCS 10/7.4)

8           Sec. 7.4. Disclosures.

9           (a) Every licensed child welfare agency providing adoption  
10          ~~services and licensed by the Department~~ shall provide to all  
11          prospective clients and to the public written disclosures with  
12          respect to its adoption services, policies, and practices,  
13          including general eligibility criteria, fees, and the mutual  
14          rights and responsibilities of clients, including biological  
15          parents and adoptive parents. The written disclosure shall be  
16          posted on any website maintained by the child welfare agency  
17          that relates to adoption services. The Department shall adopt  
18          rules relating to the contents of the written disclosures.  
19          Eligible agencies may be deemed compliant with this subsection  
20          (a).

21          (b) Every licensed child welfare agency providing adoption  
22          services shall provide to all applicants, prior to application,  
23          a written schedule of estimated fees, expenses, and refund  
24          policies. Every child welfare agency providing adoption  
25          services shall have a written policy that shall be part of its

1 standard adoption contract and state that it will not charge  
2 additional fees and expenses beyond those disclosed in the  
3 adoption contract unless additional fees are reasonably  
4 required by the circumstances and are disclosed to the adoptive  
5 parents or parent before they are incurred. The Department  
6 shall adopt rules relating to the contents of the written  
7 schedule and policy. Eligible agencies may be deemed compliant  
8 with this subsection (b).

9 (c) Every licensed child welfare agency providing adoption  
10 services must make full and fair disclosure to its clients,  
11 including biological parents and adoptive parents, of all  
12 circumstances material to the placement of a child for  
13 adoption. The Department shall adopt rules necessary for the  
14 implementation and regulation of the requirements of this  
15 subsection (c).

16 (c-5) Whenever a licensed child welfare agency places a  
17 child in a licensed foster family home or an adoption-only  
18 home, the agency shall provide the following to the caretaker  
19 or prospective adoptive parent:

20 (1) Available detailed information concerning the  
21 child's educational and health history, copies of  
22 immunization records (including insurance and medical card  
23 information), a history of the child's previous  
24 placements, if any, and reasons for placement changes,  
25 excluding any information that identifies or reveals the  
26 location of any previous caretaker.

1           (2) A copy of the child's portion of the client service  
2           plan, including any visitation arrangement, and all  
3           amendments or revisions to it as related to the child.

4           (3) Information containing details of the child's  
5           individualized educational plan when the child is  
6           receiving special education services.

7           (4) Any known social or behavioral information  
8           (including, but not limited to, criminal background, fire  
9           setting, perpetration of sexual abuse, destructive  
10          behavior, and substance abuse) necessary to care for and  
11          safeguard the child.

12          The agency may prepare a written summary of the information  
13          required by this subsection, which may be provided to the  
14          foster or prospective adoptive parent in advance of a  
15          placement. The foster or prospective adoptive parent may review  
16          the supporting documents in the child's file in the presence of  
17          casework staff. In the case of an emergency placement, casework  
18          staff shall at least provide information verbally, if  
19          necessary, and must subsequently provide the information in  
20          writing as required by this subsection. In the case of  
21          emergency placements when time does not allow prior review,  
22          preparation, and collection of written information, the agency  
23          shall provide such information as it becomes available.

24          The Department shall adopt rules necessary for the  
25          implementation and regulation of the requirements of this  
26          subsection (c-5).

1 (d) Every licensed child welfare agency providing adoption  
2 services shall meet minimum standards set forth by the  
3 Department concerning the taking or acknowledging of a consent  
4 prior to taking or acknowledging a consent from a prospective  
5 biological parent. The Department shall adopt rules concerning  
6 the minimum standards required by agencies under this Section.

7 (Source: P.A. 94-586, eff. 8-15-05; 94-1010, eff. 10-1-06.)

8 (225 ILCS 10/7.6)

9 Sec. 7.6. Annual report. Every licensed child welfare  
10 agency providing adoption services shall file an annual report  
11 with the Department and with the Attorney General on forms and  
12 on a date prescribed by the Department. The annual reports for  
13 the preceding 2 years must be made available, upon request, to  
14 the public by the Department and every licensed agency and must  
15 be included on the website of the Department. Each licensed  
16 agency that maintains a website shall provide the reports on  
17 its website. The annual report shall include all of the  
18 following matters and all other matters required by the  
19 Department:

20 (1) a balance sheet and a statement of income and  
21 expenses for the year, certified by an independent public  
22 accountant; for purposes of this item (1), the audit report  
23 filed by an agency with the Department may be included in  
24 the annual report and, if so, shall be sufficient to comply  
25 with the requirement of this item (1);

1           (2) non-identifying information concerning the  
2 placements made by the agency during the year, consisting  
3 of the number of adoptive families in the process of  
4 obtaining approval for an adoption-only home ~~a foster~~  
5 ~~family license~~, the number of adoptive families that are  
6 approved ~~licensed~~ and awaiting placement, the number of  
7 biological parents that the agency is actively working  
8 with, the number of placements, and the number of adoptions  
9 initiated during the year and the status of each matter at  
10 the end of the year;

11           (3) any instance during the year in which the agency  
12 lost the right to provide adoption services in any State or  
13 country, had its license suspended for cause, or was the  
14 subject of other sanctions by any court, governmental  
15 agency, or governmental regulatory body relating to the  
16 provision of adoption services;

17           (4) any actions related to licensure that were  
18 initiated against the agency during the year by a licensing  
19 or accrediting body;

20           (5) any pending investigations by federal or State  
21 authorities;

22           (6) any criminal charges, child abuse charges,  
23 malpractice complaints, or lawsuits against the agency or  
24 any of its employees, officers, or directors related to the  
25 provision of adoption services and the basis or disposition  
26 of the actions;

1           (7) any instance in the year where the agency was found  
2 guilty of, or pled guilty to, any criminal or civil or  
3 administrative violation under federal, State, or foreign  
4 law that relates to the provision of adoption services;

5           (8) any instance in the year where any employee,  
6 officer, or director of the agency was found guilty of any  
7 crime or was determined to have violated a civil law or  
8 administrative rule under federal, State, or foreign law  
9 relating to the provision of adoption services; and

10           (9) any civil or administrative proceeding instituted  
11 by the agency during the year and relating to adoption  
12 services, excluding uncontested adoption proceedings and  
13 proceedings filed pursuant to Section 12a of the Adoption  
14 Act.

15           Failure to disclose information required under this  
16 Section may result in the suspension of the agency's license  
17 for a period of 90 days. Subsequent violations may result in  
18 revocation of the license.

19           Information disclosed in accordance with this Section  
20 shall be subject to the applicable confidentiality  
21 requirements of this Act and the Adoption Act.

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

23           Section 10. The Adoption Act is amended by changing Section  
24 10 and by adding Sections 12.2 and 12.3 as follows:

1 (750 ILCS 50/10) (from Ch. 40, par. 1512)

2 Sec. 10. Forms of consent and surrender; execution and  
3 acknowledgment thereof.

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

6 FINAL AND IRREVOCABLE CONSENT TO ADOPTION

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

9 That such child was born on .... at ....

10 That I reside at ....., County of .... and State of ....

11 That I am of the age of .... years.

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

14 That I hereby acknowledge that I have been provided with a  
15 copy of the Birth Parent Rights and Responsibilities-Private  
16 Form before signing this Consent and that I have had time to  
17 read, or have had read to me, this Form. I understand that if I  
18 do not receive any of the rights as described in this Form, it  
19 shall not constitute a basis to revoke this Final and  
20 Irrevocable Consent.

21 That I do hereby consent and agree to the adoption of such  
22 child.

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

26 That I understand such child will be placed for adoption

1 and that I cannot under any circumstances, after signing this  
 2 document, change my mind and revoke or cancel this consent or  
 3 obtain or recover custody or any other rights over such child.  
 4 That I have read and understand the above and I am signing it  
 5 as my free and voluntary act.

6 Dated (insert date).

7 .....

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

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

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

21 FINAL AND IRREVOCABLE CONSENT TO ADOPTION BY  
 22 A SPECIFIED PERSON OR PERSONS; NON-DCFS CASE

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

25 1. That such child was born on ....., at ....., City of ...



1 and State of ....

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

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

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

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

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

17 7. That I wish to and understand that upon signing this  
18 consent I do irrevocably and permanently give up all custody  
19 and other parental rights I have to such child if such child is  
20 adopted by .... (specified person or persons). I hereby  
21 transfer all of my rights to the custody, care and control of  
22 such child to ..... (specified person  
23 or persons).

24 8. That I understand such child will be adopted by  
25 ..... (specified person or persons) and that  
26 I cannot under any circumstances, after signing this document,

1 change my mind and revoke or cancel this consent or obtain or  
2 recover custody or any other rights over such child if  
3 ..... (specified person or persons)  
4 adopt(s) such child; PROVIDED that each specified person has  
5 filed or shall file, within 60 days from the date hereof, a  
6 petition for the adoption of such child.

7 9. That if the specified person or persons designated  
8 herein do not file a petition for adoption within the  
9 time-frame specified above, or, if said petition for adoption  
10 is filed within the time-frame specified above but the adoption  
11 petition is dismissed with prejudice or the adoption proceeding  
12 is otherwise concluded without an order declaring the child to  
13 be the adopted child of the specified person or persons, then I  
14 understand that I will receive written notice of such  
15 circumstances within 10 business days of their occurrence. I  
16 understand that the notice will be directed to me using the  
17 contact information I have provided in this consent. I  
18 understand that I will have 10 business days from the date that  
19 the written notice is sent to me to respond, within which time  
20 I may request the Court to declare this consent voidable and  
21 return the child to me. I further understand that the Court  
22 will make the final decision of whether or not the child will  
23 be returned to me. If I do not make such request within 10  
24 business days of the date of the notice, then I expressly waive  
25 any other notice or service of process in any legal proceeding  
26 for the adoption of the child.

1           10. That I expressly acknowledge that nothing in this  
 2 Consent impairs the validity and absolute finality of this  
 3 Consent under any circumstance other than those described in  
 4 paragraph 9 of this Consent.

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

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

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

18           14. That I acknowledge that this consent is valid even if  
 19 the specified person or persons separate or divorce or one of  
 20 the specified persons dies prior to the entry of the final  
 21 judgment for adoption.

22           Dated (insert date).

23           .....

24           Signature of parent.

25           .....

26           Address of parent.

1 .....  
2

Phone number(s) of parent.

3 .....  
4

Personal email(s) of parent.

5 .....  
6

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

10 STATE OF .....)

11 ) SS.

12 COUNTY OF .....)

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

24 A-2. Birth Parent Rights and Responsibilities-Private  
25 Form. The Birth Parent Rights and Responsibilities-Private

1 Form must be read by, or have been read to, any person  
2 executing a Final and Irrevocable Consent to Adoption under  
3 subsection A, a Final and Irrevocable Consent to Adoption by a  
4 Specified Person or Persons: Non-DCFS Case under subsection  
5 A-1, or a Consent to Adoption of Unborn Child under subsection  
6 B prior to the execution of said Consent. The form of the Birth  
7 Parent Rights and Responsibilities-Private Form shall be  
8 substantially as follows:

9 Birth Parent Rights and Responsibilities-Private Form

10 THIS FORM DOES NOT CONSTITUTE LEGAL ADVICE. LEGAL ADVICE IS  
11 DEPENDENT ON THE SPECIFIC CIRCUMSTANCES OF EACH SITUATION AND  
12 JURISDICTION. THE INFORMATION IN THIS FORM CANNOT REPLACE THE  
13 ADVICE OF AN ATTORNEY LICENSED IN YOUR STATE.

14 As a birth parent in the State of Illinois, you have the  
15 right:

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

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

22 3. To request to receive counseling before and after  
23 signing a Final and Irrevocable Consent to Adoption  
24 ("Consent"), a Final and Irrevocable Consent to Adoption by a  
25 Specified Person or Persons: Non-DCFS Case ("Specified  
26 Consent"), or a Consent to Adoption of Unborn Child ("Unborn

1 Consent"). The prospective adoptive parents may agree to pay  
2 for the cost of counseling in a manner consistent with Illinois  
3 law, but they are not required to do so.

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

6 5. To ask your child's prospective adoptive parents any  
7 questions that pertain to your decision to place your child  
8 with them.

9 6. To see your child before signing a Consent or Specified  
10 Consent if you are the custodial parent, and to request to see  
11 your child if you are not the custodial parent.

12 7. To request contact with your child and/or the child's  
13 prospective adoptive parents, with the understanding that any  
14 promises regarding contact with your child or receipt of  
15 information about the child after signing a Consent, Specified  
16 Consent, or Unborn Consent cannot be enforced under Illinois  
17 law.

18 8. To receive copies of all documents that you sign and  
19 have those documents provided to you in your preferred  
20 language.

21 9. To request that your identifying information remain  
22 confidential, unless required otherwise by Illinois law or  
23 court order, and to voluntarily share your medical, background,  
24 and identifying information, including information on the  
25 original birth certificate of your child. This can be done  
26 through the Illinois Adoption Registry and Medical Information

1 Exchange or through completing the Birth Parent Preference  
2 Form. Please visit <http://dph.illinois.gov> or  
3 [www.newillinoisadoptionlaw.com](http://www.newillinoisadoptionlaw.com) or call (217)557-5160 register  
4 with the Illinois Adoption Registry and Medical Information  
5 Exchange.

6 10. To access the Confidential Intermediary Program which  
7 provides a way for a court appointed person to connect and/or  
8 exchange information between adoptees, adoptive parents and  
9 birth parents, and other biological family members, provided in  
10 most cases that mutual consent is given. Please visit  
11 [www.ci-illinois.org](http://www.ci-illinois.org) or call (800) 526-9022(x29).

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

15 12 ~~11~~. To receive, upon request, a written list of any  
16 promised support, financial or otherwise, from your attorney or  
17 the attorney for your child's prospective adoptive parents.

18 13 ~~12~~. To delay signing a Consent, Specified Consent, or  
19 Unborn Consent if you are not ready to do so.

20 14 ~~13~~. To decline to sign a Consent, Specified Consent, or  
21 Unborn Consent even if you have received financial support from  
22 the prospective adoptive parents.

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

26 As a Birth Parent in the State of Illinois, you have the

1 responsibility:

2 1. To carefully consider your reasons for choosing  
3 adoption.

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

11 2 ~~3~~. (Birth mothers only) To accurately complete an  
12 Affidavit of Identification, which identifies the father of the  
13 child when known, with the understanding that a birth mother  
14 has a right to decline to identify the birth father.

15 3. To provide the necessary documentation regarding  
16 financial need to make an appropriate determination of  
17 reasonable pregnancy-related expenses.

18 4. To not accept financial support or reimbursement of  
19 pregnancy related expenses simultaneously from more than one  
20 source or if you are not pregnant, as doing so is a crime.

21 5. To voluntarily provide all known medical, background,  
22 and family information about yourself and your immediate family  
23 to your child's prospective adoptive parents or their attorney.  
24 For the health of your child, you are strongly encouraged, but  
25 not required, to do so as set forth on the following form:

26 Birth Parent Medical Information



1        The purpose of this form is to gather your health history,  
 2        genetic history, and social background information to share  
 3        with the adoptive parents. It is important the adoptive family  
 4        provide this information to the child's physician. It will  
 5        become a part of the child's medical and family history. This  
 6        form, in its entirety, will be given to the adoptive parent(s).

7        The following information is true and complete to the best  
 8        of my knowledge and belief.

9        Birth parent name:  
 10       .....

11       Signature:  
 12       .....

13       Date:.....

14       YES or NO (circle one) I agree to release my full name on  
 15       this form to the adoptive family. If NO is circled then the  
 16       birth parent's name shall be redacted on this form.

17       MOTHER'S PHYSICAL CHARACTERISTICS:

18       Eyes: ... Hair: .... Complexion: .... Height: ....

19       Weight: .... Body build: ..... Race: .....

20       Nationality/Descent: ..... Blood type: .... Rh factor: ....

21       Eye glasses or contact lenses? Yes /.../ No /.../

22       Right /.../ Left /.../ handed

23       Age: .... or Date of birth: ..... Religion: .....

24       Please list your highest education level, occupation,  
 25       hobbies, interests, and talents:

26       .....

1 Existence of any disabilities? Yes /.../ No /.../

2 If yes, explain: .....

3 If you have other children, list them below. Include any  
4 children previously placed for adoption.

5 .....

6 Describe your relationship with the birth father: .....

7 FATHER'S PHYSICAL CHARACTERISTICS:

8 Eyes: ... Hair: .... Complexion: .... Height: ....

9 Weight: .... Body build: .... Race: .....

10 Nationality/Descent: .... Blood type: .... Rh factor: ....

11 Eye glasses or contact lenses? Yes /.../ No /.../

12 Right /.../ Left /.../ handed

13 Age: .... or Date of birth: .... Religion: .....

14 Please list your highest education level, occupation,  
15 hobbies, interests, and talents:

16 .....

17 Existence of any disabilities? Yes /.../ No /.../

18 If yes, explain: .....

19 If you have other children, list them below. Include any  
20 children previously placed for adoption.

21 .....

22 PREGNANCY HISTORY INVOLVING THIS CHILD

23 Month prenatal care began during this pregnancy:.....

24 Complications during pregnancy: Yes... No ... If yes,  
25 explain: .....

26 .....

MEDICATION AND OTHER SUBSTANCES USED DURING PREGNANCY OR YEAR

PRIOR TO PREGNANCY

FREQUENCY/                      FREQUENCY/

AMOUNT                              AMOUNT

DURING                              PRIOR TO

PREGNANCY                      PREGNANCY

YES

NO

7	<u>Alcohol</u>	<u>/../</u>	<u>/../</u>	<u>.....</u>	<u>.....</u>
8	<u>Amphetamines</u>	<u>/../</u>	<u>/../</u>	<u>.....</u>	<u>.....</u>
9	<u>Barbiturates</u>	<u>/../</u>	<u>/../</u>	<u>.....</u>	<u>.....</u>
10	<u>Cocaine</u>	<u>/../</u>	<u>/../</u>	<u>.....</u>	<u>.....</u>
11	<u>Heroin</u>	<u>/../</u>	<u>/../</u>	<u>.....</u>	<u>.....</u>
12	<u>LSD</u>	<u>/../</u>	<u>/../</u>	<u>.....</u>	<u>.....</u>
13	<u>Marijuana</u>	<u>/../</u>	<u>/../</u>	<u>.....</u>	<u>.....</u>
14	<u>Caffeine</u>				
15	<u>(Coffee,</u>				
16	<u>tea, etc)</u>	<u>/../</u>	<u>/../</u>	<u>.....</u>	<u>.....</u>
17	<u>Prescription</u>				
18	<u>drugs</u>	<u>/../</u>	<u>/../</u>	<u>.....</u>	<u>.....</u>
19	<u>Non-</u>				
20	<u>prescription</u>				
21	<u>drugs</u>	<u>/../</u>	<u>/../</u>	<u>.....</u>	<u>.....</u>
22	<u>Other</u>	<u>/../</u>	<u>/../</u>	<u>.....</u>	<u>.....</u>

In addition to this form, a birth parent shall also be provided the forms for the Illinois Adoption Registry and Medical Information Exchange.

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

3                           CONSENT TO ADOPTION OF UNBORN CHILD

4           I, ....., state:

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

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

8           That I am of the age of .... years.

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

11           That I hereby acknowledge that I have been provided with a  
12 copy of the Birth Parent Rights and Responsibilities-Private  
13 Form before signing this Consent, and that I have had time to  
14 read, or have had read to me, this Form. I understand that if I  
15 do not receive any of the rights as described in this Form, it  
16 shall not constitute a basis to revoke this Consent to Adoption  
17 of Unborn Child.

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

21           That I wish to and do understand that by signing this  
22 consent I do irrevocably and permanently give up all custody  
23 and other parental rights I have to such child, except that I  
24 have the right to revoke this consent by giving written notice  
25 of my revocation not later than 72 hours after the birth of the  
26 child.

1 That I understand such child will be placed for adoption  
 2 and that, except as hereinabove provided, I cannot under any  
 3 circumstances, after signing this document, change my mind and  
 4 revoke or cancel this consent or obtain or recover custody or  
 5 any other rights over such child.

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

8 Dated (insert date).  
 9 .....

10 B-5. (1) The parent of a child may execute a consent to  
 11 standby adoption by a specified person or persons. A consent  
 12 under this subsection B-5 shall be acknowledged by a parent  
 13 pursuant to subsection H and subsection K of this Section. The  
 14 form of consent required for the standby adoption of a born  
 15 child effective at a future date when the consenting parent of  
 16 the child dies or requests that a final judgment of adoption be  
 17 entered shall be substantially as follows:

18 FINAL AND IRREVOCABLE CONSENT  
 19 TO STANDBY ADOPTION

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

22 That the child was born on .... at .....

23 That I reside at ....., County of ....., and State of .....

24 That I am of the age of .... years.

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

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

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

10           That I understand that until (I die) (the child's other  
11 parent dies), I retain all legal rights and obligations  
12 concerning the child, but at that time, I irrevocably give all  
13 custody and other parental rights to .... (specified person or  
14 persons).

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

21           I understand that this consent to standby adoption is valid  
22 only if the petition for standby adoption is filed and that if  
23 ..... (specified person or persons), for any reason, cannot  
24 or will not file a petition for standby adoption or if his,  
25 her, or their petition for standby adoption is denied, then  
26 this consent is void. I have the right to notice of any other

1 proceeding that could affect my parental rights.

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

4 Dated (insert date).

5 .....

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

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

12 If .... (specified persons) obtain a judgment of  
13 dissolution of marriage before the judgment for adoption is  
14 entered, then ..... (specified person) shall adopt my child. I  
15 understand that I cannot change my mind and revoke this consent  
16 or obtain or recover custody of my child if ..... (specified  
17 persons) obtain a judgment of dissolution of marriage and .....  
18 (specified person) adopts my child. I understand that I cannot  
19 change my mind and revoke this consent if ..... (specified  
20 persons) obtain a judgment of dissolution of marriage before  
21 the adoption is final. I understand that this consent to  
22 adoption has no effect on who will get custody of my child if  
23 ..... (specified persons) obtain a judgment of dissolution of  
24 marriage after the adoption is final. I understand that if  
25 either ..... (specified persons) dies before the petition to

1 adopt my child is granted, then the surviving person may adopt  
2 my child. I understand that I cannot change my mind and revoke  
3 this consent or obtain or recover custody of my child if the  
4 surviving person adopts my child.

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

10 (3) The form of the certificate of acknowledgement for a  
11 Final and Irrevocable Consent for Standby Adoption shall be  
12 substantially as follows:

13 STATE OF .....)

14 ) SS.

15 COUNTY OF .....)

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

24 I have fully explained that this consent to adoption is



1 valid only if the petition to adopt is filed, and that if the  
 2 specified person or persons, for any reason, cannot or will not  
 3 adopt the child or if the adoption petition is denied, then  
 4 this consent will be void. I have fully explained that if the  
 5 specified person or persons adopt the child, by signing this  
 6 consent (she) (he) is irrevocably and permanently  
 7 relinquishing all parental rights to the child, and (she) (he)  
 8 has stated that such is (her) (his) intention and desire.

9 Dated (insert date).

10 Signature .....

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

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

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

17 The parent shall not need to take further action to revoke  
 18 the consent if the standby adoption by the specified person or  
 19 persons does not occur, notwithstanding the provisions of  
 20 Section 11 of this Act.

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

25 FINAL AND IRREVOCABLE SURRENDER

26 FOR PURPOSES OF ADOPTION

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

3 That such child was born on ....., at .....

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

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

6 That I do hereby surrender and entrust the entire custody  
7 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 and to  
12 consent to the legal adoption of such child.

13 That I hereby grant to the Agency full power and authority  
14 to place such child with any person or persons it may in its  
15 sole discretion select to become the adopting parent or parents  
16 and to consent to the legal adoption of such child by such  
17 person or persons; and to take any and all measures which, in  
18 the judgment of the Agency, may be for the best interests of  
19 such child, including authorizing medical, surgical and dental  
20 care and treatment including inoculation and anaesthesia for  
21 such child.

22 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 That I understand I cannot under any circumstances, after  
26 signing this surrender, change my mind and revoke or cancel

1 this surrender or obtain or recover custody or any other rights  
2 over such child.

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

5 Dated (insert date).

6 .....

7 C-5. The form of a Final and Irrevocable Designated  
8 Surrender for Purposes of Adoption to any agency given by a  
9 parent of a born child who is to be subsequently placed for  
10 adoption is to be used by legal parents only. The form shall be  
11 substantially as follows and shall contain such other facts and  
12 statements as the particular agency shall require:

13 FINAL AND IRREVOCABLE DESIGNATED SURRENDER

14 FOR PURPOSES OF ADOPTION

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

- 17 1. That such child was born on ....., at .....
- 18 2. That I reside at ....., County of ....., and State of  
19 .....
- 20 3. That I am of the age of .... years.
- 21 4. That I do hereby surrender and entrust the entire  
22 custody 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 with

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

7 5. 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 6. That if the petition for adoption is not filed by the  
11 specified person or persons designated herein or, if the  
12 petition for adoption is filed but the adoption petition is  
13 dismissed with prejudice or the adoption proceeding is  
14 otherwise concluded without an order declaring the child to be  
15 the adopted child of each specified person, then I understand  
16 that the Agency will provide notice to me within 10 business  
17 days and that such notice will be directed to me using the  
18 contact information I have provided to the Agency. I understand  
19 that I will have 10 business days from the date that the Agency  
20 sends me its notice to respond, within which time I may choose  
21 to designate other adoptive parent(s). However, I acknowledge  
22 that the Agency has full power and authority to place the child  
23 for adoption with any person or persons it may in its sole  
24 discretion select to become the adopting parent or parents and  
25 to consent to the legal adoption of the child by such person or  
26 persons.

1 7. That I acknowledge that this surrender is valid even if  
2 the specified persons separate or divorce or one of the  
3 specified persons dies prior to the entry of the final judgment  
4 for adoption.

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

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

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

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

19 Dated (insert date).  
20 .....

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

25 SURRENDER OF UNBORN CHILD FOR  
26 PURPOSES OF ADOPTION

1 I, .... (father), state:

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

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

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

6 That I do hereby surrender and entrust the entire custody  
7 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 and to  
12 consent to the legal adoption of such child, and that I have  
13 not previously executed a consent or surrender with respect to  
14 such child.

15 That I hereby grant to the Agency full power and authority  
16 to place such child with any person or persons it may in its  
17 sole discretion select to become the adopting parent or parents  
18 and to consent to the legal adoption of such child by such  
19 person or persons; and to take any and all measures which, in  
20 the judgment of the Agency, may be for the best interests of  
21 such child, including authorizing medical, surgical and dental  
22 care and treatment, including inoculation and anaesthesia for  
23 such child.

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

1           That I understand I cannot under any circumstances, after  
 2   signing this surrender, change my mind and revoke or cancel  
 3   this surrender or obtain or recover custody or any other rights  
 4   over such child, except that I have the right to revoke this  
 5   surrender by giving written notice of my revocation not later  
 6   than 72 hours after the birth of such child.

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

9           Dated (insert date).

10           .....

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

14                                CONSENT

15           I, ....., (father) (mother) of ....., an adult, state:

16           That I reside at ....., County of .... and State of .....

17           That I do hereby consent and agree to the adoption of such  
 18   adult by .... and .....

19           Dated (insert date).

20           .....

21           F. The form of consent required for the adoption of a child  
 22   of the age of 14 years or over, or of an adult, to be given by  
 23   such person, shall be substantially as follows:

24                                CONSENT

25           I, ....., state:

26           That I reside at ....., County of .... and State of .....

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

4 Dated (insert date).

5 .....

6 G. The form of consent given by an agency to the adoption  
7 by specified persons of a child previously surrendered to it  
8 shall set forth that the agency has the authority to execute  
9 such consent. The form of consent given by a guardian of the  
10 person of a child sought to be adopted, appointed by a court of  
11 competent jurisdiction, shall set forth the facts of such  
12 appointment and the authority of the guardian to execute such  
13 consent.

14 H. A consent (other than that given by an agency, or  
15 guardian of the person of the child sought to be adopted who  
16 was appointed by a court of competent jurisdiction) shall be  
17 acknowledged by a parent before a judge of a court of competent  
18 jurisdiction or, except as otherwise provided in this Act,  
19 before a representative of an agency, or before a person, other  
20 than the attorney for the prospective adoptive parent or  
21 parents, designated by a court of competent jurisdiction.

22 I. A surrender, or any other document equivalent to a  
23 surrender, by which a child is surrendered to an agency shall  
24 be acknowledged by the person signing such surrender, or other  
25 document, before a judge of a court of competent jurisdiction,  
26 or, except as otherwise provided in this Act, before a



1 representative of an agency, or before a person designated by a  
2 court of competent jurisdiction.

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

6 STATE OF ....)  
7 ) SS.  
8 COUNTY OF ...)

9 I, .... (Name of judge or other person), .... (official  
10 title, name and location of court or status or position of  
11 other person), certify that ....., personally known to me to be  
12 the same person whose name is subscribed to the foregoing  
13 (consent) (surrender), appeared before me this day in person  
14 and acknowledged that (she) (he) signed and delivered such  
15 (consent) (surrender) as (her) (his) free and voluntary act,  
16 for the specified purpose.

17 I have fully explained that by signing such (consent)  
18 (surrender) (she) (he) is irrevocably relinquishing all  
19 parental rights to such child or adult and (she) (he) has  
20 stated that such is (her) (his) intention and desire. (Add if  
21 Consent only) I am further satisfied that, before signing this  
22 Consent, ..... has read, or has had read to him or her, the  
23 Birth Parent Rights and Responsibilities-Private Form.

24 Dated (insert date).

25 Signature .....

26 K. When the execution of a consent or a surrender is

1 acknowledged before someone other than a judge, such other  
2 person shall have his or her signature on the certificate  
3 acknowledged before a notary public, in form substantially as  
4 follows:

5 STATE OF ....)  
6 ) SS.  
7 COUNTY OF ...)

8 I, a Notary Public, in and for the County of ....., in the  
9 State of ....., certify that ....., personally known to me to  
10 be the same person whose name is subscribed to the foregoing  
11 certificate of acknowledgment, appeared before me in person and  
12 acknowledged that (she) (he) signed such certificate as (her)  
13 (his) free and voluntary act and that the statements made in  
14 the certificate are true.

15 Dated (insert date).

16 Signature ..... Notary Public  
17 (official seal)

18 There shall be attached a certificate of magistracy, or  
19 other comparable proof of office of the notary public  
20 satisfactory to the court, to a consent signed and acknowledged  
21 in another state.

22 L. A surrender or consent executed and acknowledged outside  
23 of this State, either in accordance with the law of this State  
24 or in accordance with the law of the place where executed, is  
25 valid.

1 M. Where a consent or a surrender is signed in a foreign  
2 country, the execution of such consent shall be acknowledged or  
3 affirmed in a manner conformable to the law and procedure of  
4 such country.

5 N. If the person signing a consent or surrender is in the  
6 military service of the United States, the execution of such  
7 consent or surrender may be acknowledged before a commissioned  
8 officer and the signature of such officer on such certificate  
9 shall be verified or acknowledged before a notary public or by  
10 such other procedure as is then in effect for such division or  
11 branch of the armed forces.

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

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

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

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

26 The court may waive the time frames in subdivisions (a),

1 (b), and (c) for good cause shown if the court finds it to be in  
2 the child's best interests.

3 A consent under this subsection O shall be acknowledged by  
4 a parent pursuant to subsection H and subsection K of this  
5 Section.

6 (2) The final and irrevocable consent to adoption by a  
7 specified person or persons in a Department of Children and  
8 Family Services (DCFS) case shall be substantially as follows:

9 FINAL AND IRREVOCABLE CONSENT TO ADOPTION BY

10 A SPECIFIED PERSON OR PERSONS: DCFS CASE

11 I, ....., the  
12 ..... (mother or father) of a ....male child,  
13 state:

14 1. My child ..... (name of  
15 child) was born on (insert date) at .....  
16 Hospital in the municipality of ....., in  
17 ..... County, State of .....

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

20 Mail may also be sent to me at this address  
21 ....., in care of .....

22 My home telephone number is .....

23 My cell telephone number is .....

24 My e-mail address is .....

25 3. I, ....., am .... years old.

26 4. I enter my appearance in this action for my child to

1 be adopted by the person or persons specified herein by me  
2 and waive service of summons on me in this action only.

3 5. I hereby acknowledge that I have been provided a  
4 copy of the Birth Parent Rights and Responsibilities for  
5 DCFS Cases before signing this Consent and that I have had  
6 time to read this form or have it read to me and that I  
7 understand the rights and responsibilities described in  
8 this form. I understand that if I do not receive any of my  
9 rights as described in the form, it shall not constitute a  
10 basis to revoke this Final and Irrevocable Consent to  
11 Adoption by a Specified Person or Persons.

12 6. I do hereby consent and agree to the adoption of  
13 such child by ..... (specified person or persons)  
14 only.

15 7. I wish to sign this consent and I understand that by  
16 signing this consent I irrevocably and permanently give up  
17 all my parental rights I have to my child.

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

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

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

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

1           (c) the DCFS Guardianship Administrator refuses to  
2           consent to my child's adoption by the specified person  
3           or persons on the basis that the adoption is not in my  
4           child's best interests.

5           I understand that if this consent is void I have  
6           parental rights to my child, subject to any applicable  
7           court orders including those entered under Article II of  
8           the Juvenile Court Act of 1987, unless and until I sign a  
9           new consent or surrender or my parental rights are  
10          involuntarily terminated. I understand that if this  
11          consent is void, my child may be adopted by someone other  
12          than the specified person or persons only if I sign a new  
13          consent or surrender, or my parental rights are  
14          involuntarily terminated. I understand that if this  
15          consent is void, the Department will notify me within 30  
16          days using the addresses and telephone numbers I provided  
17          in paragraph 2 of this form. I understand that if I receive  
18          such a notice, it is very important that I contact the  
19          Department immediately, and preferably within 30 days, to  
20          have input into the plan for my child's future.

21          10. I understand that if a petition for adoption of my  
22          child is filed by someone other than the specified person  
23          or persons, the Department will notify me within 14 days  
24          after the Department becomes aware of the petition. The  
25          fact that someone other than the specified person or  
26          persons files a petition to adopt my child does not make

1 this consent void.

2 11. If a person other than the specified person or  
3 persons files a petition to adopt my child or if the  
4 consent is void under paragraph 9, the Department will send  
5 written notice to me using the mailing address and email  
6 address provided by me in paragraph 2 of this form. The  
7 Department will also contact me using the telephone numbers  
8 I provided in paragraph 2 of this form. It is very  
9 important that I let the Department know if any of my  
10 contact information changes. If I do not let the Department  
11 know if any of my contact information changes, I understand  
12 that I may not receive notification from the Department if  
13 this consent is void or if someone other than the specified  
14 person or persons files a petition to adopt my child. If  
15 any of my contact information changes, I should immediately  
16 notify:

17 Caseworker's name and telephone number:  
18 ..... ;  
19 Agency name, address, zip code, and telephone number:  
20 ..... ;  
21 Supervisor's name and telephone number:  
22 ..... ;  
23 DCFS Advocacy Office for Children and Families:  
24 800-232-3798.

25 12. I expressly acknowledge that paragraph 9 (and  
26 paragraphs 8a and 8b, if applicable) do not impair the

1 validity and finality of this consent under any  
2 circumstances.

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

5 Dated (insert date).

6 .....

7 Signature of parent

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

11 8a. If ..... (specified persons) get a  
12 divorce or are granted a dissolution of a civil union  
13 before the petition to adopt my child is granted, this  
14 consent is valid for ..... (specified person) to  
15 adopt my child. I understand that I cannot change my mind  
16 or revoke this consent or recover custody of my child on  
17 the basis that the specified persons divorce or are granted  
18 a dissolution of a civil union.

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.

26 (4) The form of the certificate of acknowledgement for a



1 Final and Irrevocable Consent for Adoption by a Specified  
2 Person or Persons: DCFS Case shall be substantially as follows:

3 STATE OF .....)

4 ) SS.

5 COUNTY OF .....)

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

14 I have fully explained that by signing this consent this  
15 parent is irrevocably and permanently relinquishing all  
16 parental rights to the child so that the child may be adopted  
17 by a specified person or persons, and this parent has stated  
18 that such is (her) (his) intention and desire. I have fully  
19 explained that this consent is void only if:

20 (a) the placement is disrupted and the child is moved  
21 to a different placement; or

22 (b) a court denies the petition for adoption; or

23 (c) the Department of Children and Family Services  
24 Guardianship Administrator refuses to consent to the

1 child's adoption by a specified person or persons on the  
2 basis that the adoption is not in the child's best  
3 interests.

4 Dated (insert date).

5 .....

6 Signature

7 (5) If a consent to adoption by a specified person or  
8 persons is executed in this form, the following provisions  
9 shall apply. The consent shall be valid only for the specified  
10 person or persons to adopt the child. The consent shall be void  
11 if:

12 (a) the placement disrupts and the child is moved to  
13 another placement; or

14 (b) a court denies the petition for adoption; or

15 (c) the Department of Children and Family Services  
16 Guardianship Administrator refuses to consent to the  
17 child's adoption by the specified person or persons on the  
18 basis that the adoption is not in the child's best  
19 interests.

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.

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

4           (7) (Blank).

5           (8) The Department of Children and Family Services shall  
6 promulgate a rule and procedures regarding Consents to Adoption  
7 by a Specified Person or Persons in DCFS cases. The rule and  
8 procedures shall provide for the development of the Birth  
9 Parent Rights and Responsibilities Form for DCFS Cases.

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

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

24          Q. A consent may be acknowledged telephonically, via  
25 audiovisual connection, or other electronic means, provided  
26 that a court of competent jurisdiction has entered an order

1 approving the execution of the consent in such manner and has  
2 designated an individual to be physically present with the  
3 parent executing such consent in order to verify the identity  
4 of the parent.

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

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

12 FINAL AND IRREVOCABLE

13 WAIVER OF PARENTAL RIGHTS OF PUTATIVE OR LEGAL FATHER

14 I, ....., state under oath or affirm as  
15 follows:

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

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

24 3. That I reside at ....., in the City/Town

1 of....., State of .....

2 4. That I am ..... years of age and my date  
3 of birth is ....., .....

4 5. That I (select one):

5 ..... am married to the biological mother.

6 ..... am not married to the biological mother and  
7 have not been married to the biological mother within  
8 300 days before the child's birth or expected date of  
9 child's birth.

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

14 6. That I (select one):

15 ..... neither admit nor deny that I am the  
16 biological father of the child.

17 ..... deny that I am the biological father of the  
18 child.

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

25 8. That I understand that by signing this Waiver I do  
26 irrevocably and permanently give up all custody and other

1 parental rights I may have to such child.

2 9. That I understand that this Waiver is FINAL AND  
3 IRREVOCABLE and that I am permanently barred from  
4 contesting any proceeding for the adoption of the child  
5 after I sign this Waiver.

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

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

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

16 Dated: ..... , .....  
17 .....

18 Signature

19 OATH

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

1 facilitate the adoption of the child.

2 .....

3 Signature

4 Signed and Sworn before me on

5 this ..... day

6 of ....., 20....

7 .....

8 Notary Public

9 (Source: P.A. 97-493, eff. 8-22-11; 97-988, eff. 1-1-13;

10 97-1063, eff. 1-1-13; 98-463, eff. 8-16-13.)

11 (750 ILCS 50/12.2 new)

12 Sec. 12.2. Adoptive parent rights and responsibilities.

13 Prior to finalization of an adoption pursuant to this Act, any

14 prospective adoptive parent in a private adoption who is not

15 being provided with adoption services by a licensed child

16 welfare agency pursuant to the Child Care Act of 1969, who is

17 not adopting a related child, and who is not adopting a child

18 who is a ward of the Department of Children and Family Services

19 shall be provided with the following form:

20 Adoptive Parents Rights and Responsibilities-Private Form

21 THIS FORM DOES NOT CONSTITUTE LEGAL ADVICE. LEGAL ADVICE IS

22 DEPENDENT ON THE SPECIFIC CIRCUMSTANCES OF EACH SITUATION AND

1       JURISDICTION. THE INFORMATION IN THIS FORM CANNOT REPLACE THE  
2               ADVICE OF AN ATTORNEY LICENSED IN YOUR STATE.

3       As an adoptive parent in the State of Illinois, you have  
4 the right:

5           1. To be treated with dignity and respect.

6           2. To make decisions free from pressure or coercion,  
7 including your decision to accept or reject the placement of a  
8 particular child.

9           3. To be informed of the rights of birth parents.

10          4. To know that the birth parent shall have the right to  
11 request to receive counseling before and after signing a Final  
12 and Irrevocable Consent to Adoption ("Consent"), a Final and  
13 Irrevocable Consent to Adoption by a Specified Person or  
14 Persons: Non-DCFS Case ("Specified Consent"), or a Consent to  
15 Adoption of Unborn Child ("Unborn Consent"). You may agree to  
16 pay for the cost of counseling in a manner consistent with  
17 Illinois law, but you are not required to do so.

18          5. To receive a written schedule of fees and refund  
19 policies from the entity who will handle the investigation of  
20 your adoption for the Court.

21          6. To explore the possibility of a subsidy for a child with  
22 special needs who is not a ward of the Illinois Department of  
23 Children and Family Services. The Department may provide a  
24 subsidy if the child meets certain criteria. If you adopt a  
25 child who is eligible for supplemental security income (SSI),  
26 or who meets other special needs criteria, your child may be



1 subsidy eligible. You should discuss eligibility for a subsidy  
2 with your attorney before the adoption is finalized, as this  
3 option is only available before the entry of a Judgment Order  
4 for Adoption.

5 7. To share information and connect in the future with the  
6 birth parent(s) of your child. The birth parent(s), you, and  
7 the adopted person have the right to voluntarily share medical,  
8 background, and identifying information, including information  
9 on the original birth certificate. This can be done through the  
10 Illinois Adoption Registry and Medical Information Exchange or  
11 through the birth parent completing a Birth Parent Preference  
12 Form. Please visit <http://www.dph.illinois.gov> and search for  
13 adoption or [www.newillinoisadoptionlaw.com](http://www.newillinoisadoptionlaw.com) or call (217)  
14 557-5160.

15 8. To access the Confidential Intermediary program, which  
16 provides a way for a court appointed person to connect and/or  
17 exchange information between adopted persons, adoptive parents  
18 and birth parents, and other biological family members,  
19 provided in most cases that mutual consent is given. Please  
20 visit [www.ci-illinois.org](http://www.ci-illinois.org) or call (800) 526-9022(x29).

21 As an adoptive parent in the State of Illinois, it is your  
22 responsibility:

23 1. To work cooperatively and honestly with the person or  
24 entity handling your investigation and appointed by the court,  
25 including disclosing information requested by that person or  
26 entity.

1       2. To pay the agreed-upon fees to the investigating person  
2       or entity promptly.

3       3. To keep the person or entity handling your investigation  
4       informed of any new pertinent information about your family.

5       4. To cooperate with post-placement monitoring and  
6       support.

7       5. To consult with your attorney prior to offering any  
8       financial assistance to the birth parent or parents.

9       6. To obtain training in parenting an adopted child, which  
10       may include on-line and in-person training on adoption related  
11       topics.

12       (750 ILCS 50/12.3 new)

13       Sec. 12.3. Additional requirements in private adoptions.  
14       In cases of adoptions in which an Illinois licensed child  
15       welfare agency is not providing adoption services and the child  
16       who is the subject of the adoption is not a related child of  
17       the prospective adoptive parent and not under the custody or  
18       guardianship of the Department of Children and Family Services  
19       under the Juvenile Court Act of 1987, the following  
20       requirements shall apply in addition to any other applicable  
21       requirements set forth in Section 6 or other provisions of this  
22       Act:

23       (1) Within 10 days of filing a petition for adoption  
24       pursuant to Section 5 of this Act, the prospective adoptive  
25       parents and anyone 18 years of age or older who resides in

1 the adoptive home must initiate requests for background  
2 checks from the following: the State police and child abuse  
3 registry from every state of residence for the 5 years  
4 preceding the filing date of the petition, the FBI, the  
5 National Sex Offender Registry, and, if Illinois  
6 residents, from the Illinois State Police and Child Abuse  
7 and Neglect Tracking System. The background checks must be  
8 fingerprint-based, if available. The Child Abuse and  
9 Neglect Tracking System background check must also be  
10 requested for each person 13 to 17 years of age living in  
11 the adoptive home.

12 (2) Within 30 days of filing a petition for adoption,  
13 the results of the background checks set forth in paragraph  
14 (1) of this Section shall be provided to the guardian ad  
15 litem of the child appointed by the court or, should there  
16 not be a guardian ad litem, to the investigator appointed  
17 by the court pursuant to subsection A of Section 6 of this  
18 Act.

19 (3) An initial assessment, including a home visit, must  
20 be made by the guardian ad litem or the investigator  
21 appointed by the court pursuant to subsection A of Section  
22 6 of this Act no later than 30 days of said appointment;

23 (4) As part of the investigation, the guardian ad litem  
24 or the investigator appointed by the court pursuant to  
25 subsection A of Section 6 of this Act must provide the  
26 prospective adoptive parents with the Adoptive Parent

1 Rights and Responsibilities-Private Form set forth in  
2 Section 12.2 of this Act. The prospective adoptive parent  
3 or parents must sign the form acknowledging receipt of the  
4 form, and the original form must be filed with the court at  
5 the time of the issuance of the interim order, and a copy  
6 must be provided to the prospective parent or parents;

7 (5) The attorney for the prospective adoptive parent or  
8 parents or the birth parent or parents shall provide the  
9 prospective adoptive parent or parents with the Birth  
10 Parent Medical form or forms if completed by the birth  
11 parent or parents as set forth in subsection A-2 of Section  
12 10 of this Act, as soon as practicable but no later than  
13 the time of entry of the interim order;

14 (6) The guardian ad litem, or the court-appointed  
15 investigator appointed pursuant to subsection A of Section  
16 6 of this Act, shall provide a report of investigation to  
17 the Court within 6 months after appointment, or earlier if  
18 so ordered by the court.

19 (7) The birth parent shall have the right to request to  
20 receive counseling before and after signing a Final and  
21 Irrevocable Consent to Adoption form, a Final and  
22 Irrevocable Consent to Adoption by a Specified Person or  
23 Persons: Non-DCFS Case form, or a Consent to Adoption of  
24 Unborn Child form. The prospective adoptive parent or  
25 parents may agree to pay for the cost of counseling in a  
26 manner consistent with Illinois law, but the prospective

1 adoptive parent or parents are not required to do so.

1 INDEX

2 Statutes amended in order of appearance

3 225 ILCS 10/2.08 from Ch. 23, par. 2212.08

4 225 ILCS 10/2.17 from Ch. 23, par. 2212.17

5 225 ILCS 10/2.23

6 225 ILCS 10/2.25

7 225 ILCS 10/3.2 new

8 225 ILCS 10/3.3 new

9 225 ILCS 10/7.4

10 225 ILCS 10/7.6

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

12 750 ILCS 50/12.2 new

13 750 ILCS 50/12.3 new