



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5155

by Rep. Sara Feigenholtz

SYNOPSIS AS INTRODUCED:

750 ILCS 50/10

from Ch. 40, par. 1512

Amends the Adoption Act. Makes various changes to certain statutory adoption consent forms, including changes concerning: the inclusion of the names of persons granted consent to adopt; the provision of the email address, cell phone number, and land line phone number at which the person signing the consent can be provided with notice if the specified person does not adopt the child; procedural matters; and the effect of consent if the persons granted consent are granted a dissolution of marriage or dissolution of a civil union or one of the persons granted consent dies.

LRB100 16596 HEP 35707 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 Adoption Act is amended by changing Section
5 10 as follows:

6 (750 ILCS 50/10) (from Ch. 40, par. 1512)

7 Sec. 10. Forms of consent and surrender; execution and
8 acknowledgment thereof.

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

11 FINAL AND IRREVOCABLE CONSENT TO ADOPTION

12 I,, (relationship, e.g., mother, father, relative,
13 guardian) of, a ~~male~~ or female (circle one) child,
14 state:

15 That such child was born on at

16 That I reside at, County of and State of

17 That I am of the age of years.

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

20 That I hereby acknowledge that I have been provided with a
21 copy of the Birth Parent Rights and Responsibilities-Private

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

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

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

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

17 Dated (insert date).

18

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

22 A-1. (1) The form of the Final and Irrevocable Consent to
 23 Adoption by a Specified Person or Persons: Non-DCFS Case set
 24 forth in this subsection A-1 is to be used by legal parents
 25 only. This form is not to be used in cases in which there is a

1 pending petition under Section 2-13 of the Juvenile Court Act
2 of 1987.

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

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

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

11 1. That such child was born on, at, in the
12 City/Town of ... and State of

13 2. That I reside at, County of and State of
14 my email address (if I have one) is my cell phone number
15 where I can receive text messages (if I have one) is and
16 my land line phone number (if I have one) is, and any
17 other contact information is

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

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

21 5. That I hereby acknowledge that I have been provided a
22 copy of the Birth Parent Rights and Responsibilities-Private
23 Form before signing this Consent and that I have had time to
24 read, or have had read to me, this Form and that I understand

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

6 6. That I do hereby consent and agree to the adoption of
 7 such child by (specified person or persons) only. If only
 8 first names are used for the specified person or persons, I
 9 voluntarily sign this specified consent form without
 10 disclosure to me of the last name of the specified person or
 11 persons. However, I understand that if I wish to know the last
 12 name of the specified person or persons, I may request it
 13 before signing the form. If I do not receive the last name, I
 14 may choose not to sign the specified consent form.

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

22 8. That I understand such child will be adopted by
 23 (specified person or persons) and that
 24 I cannot under any circumstances, after signing this document,
 25 change my mind and revoke or cancel this consent or obtain or
 26 recover custody or any other rights over such child if

1 (specified person or persons)
2 adopt(s) such child; PROVIDED that each specified person has
3 filed or shall file, within 60 days from the date hereof, a
4 petition for the adoption of such child.

5 9. That if the specified person or persons designated
6 herein do not file a petition for adoption within the
7 time-frame specified above, or, if said petition for adoption
8 is filed within the time-frame specified above but the adoption
9 petition is dismissed with prejudice or the adoption proceeding
10 is otherwise concluded without an order declaring the child to
11 be the adopted child of the specified person or persons, then I
12 understand that I will be sent ~~receive~~ written notice of such
13 circumstances at the mailing address, at the email address,
14 through a text message to my cell phone number, and to any
15 other contact information I have provided in paragraph 2 within
16 5 ~~10~~ business days of this ~~their~~ occurrence. I understand that
17 the notice will be directed to me using the contact information
18 I have provided in this consent. I understand that I will have
19 15 ~~10~~ business days from the date that the written notice is
20 sent to me to respond in the manner described in the notice,
21 within which time I may request the Court to declare this
22 consent voidable and return the child to me. I further
23 understand that the Court will make the final decision of
24 whether or not the child will be returned to me. If I do not
25 make such request within 15 ~~10~~ business days of the date ~~of~~ the
26 notice was sent, then I expressly waive any other notice or

1 service of process in any legal proceeding regarding the child,
2 including a legal proceeding for someone other than
3 (specified person or persons) to adopt ~~for the adoption of the~~
4 child, and that I will have no parental rights as to the child.
5 The person sending the notice shall file an affidavit of notice
6 as proof of the date sent.

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

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

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

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

24 14. That I acknowledge that this consent is valid even if
25 the specified person or persons separate or divorce or one of
26 the specified persons dies prior to the entry of the final

1 judgment for adoption.

2 Dated (insert date).

3

4 Signature of parent.

5

6 Address of parent.

7

8 Phone number(s) of parent.

9

10 Personal email(s) of parent.

11

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

16 STATE OF)

17) SS.

18 COUNTY OF)

19 I, (Name of Judge or other person),
20 (official title, name, and address),
21 certify that, personally known to me to be the
22 same person whose name is subscribed to the foregoing Final and
23 Irrevocable Consent for Adoption by a Specified Person or
24 Persons; non-DCFS case, appeared before me this day in person

1 and acknowledged that (she)(he) signed and delivered the
2 consent as (her)(his) free and voluntary act, for the specified
3 purpose. I am further satisfied that, before signing this
4 Consent, has read, or has had read to him or her, the
5 Birth Parent Rights and Responsibilities-Private Form.

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

16 Birth Parent Rights and Responsibilities-Private Form

17 THIS FORM DOES NOT CONSTITUTE LEGAL ADVICE. LEGAL ADVICE IS
18 DEPENDENT ON THE SPECIFIC CIRCUMSTANCES OF EACH SITUATION AND
19 JURISDICTION. THE INFORMATION IN THIS FORM CANNOT REPLACE THE
20 ADVICE OF AN ATTORNEY LICENSED IN YOUR STATE.

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

23 1. To have your own attorney represent you. The prospective

1 adoptive parents may agree to pay for the cost of your attorney
2 in a manner consistent with Illinois law, but they are not
3 required to do so.

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

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

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

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

19 6. To see your child before signing a Consent or Specified
20 Consent if you are the custodial parent, and to request to see
21 your child if you are not the custodial parent.

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

1 law.

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

5 9. To request that your identifying information remain
6 confidential, unless required otherwise by Illinois law or
7 court order, and to voluntarily share your medical, background,
8 and identifying information, including information on the
9 original birth certificate of your child. This can be done
10 through the Illinois Adoption Registry and Medical Information
11 Exchange or through completing the Birth Parent Preference
12 Form. Please visit <http://dph.illinois.gov> or
13 www.newillinoisadoptionlaw.com.

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

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

23 12. To receive, upon request, a written list of any
24 promised support, financial or otherwise, from your attorney or
25 the attorney for your child's prospective adoptive parents.

26 13. To delay signing a Consent, Specified Consent, or

1 Unborn Consent if you are not ready to do so.

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

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

8 As a Birth Parent in the State of Illinois, you have the
9 responsibility:

10 1. To carefully consider your reasons for choosing
11 adoption.

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

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

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

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

1 Birth Parent Medical Information

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

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

10 Birth parent name:
11

12 Signature:
13

14 Date:.....

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

18 MOTHER'S PHYSICAL CHARACTERISTICS:

19 Eyes: ... Hair: Complexion: Height:
20 Weight: Body build: Race:
21 Nationality/Descent: Blood type: Rh factor:
22 Eye glasses or contact lenses? Yes /.../ No /.../
23 Right /.../ Left /.../ handed
24 Age: or Date of birth: Religion:

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

1

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

3 If yes, explain:

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

6

7 Describe your relationship with the birth father:

8 FATHER'S PHYSICAL CHARACTERISTICS:

9 Eyes: ... Hair: Complexion: Height:

10 Weight: Body build: Race:

11 Nationality/Descent: Blood type: Rh factor:

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

13 Right /.../ Left /.../ handed

14 Age: or Date of birth: Religion:

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

17

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

19 If yes, explain:

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

22

23 PREGNANCY HISTORY INVOLVING THIS CHILD

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

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

26 explain:

1
2

MEDICATION AND OTHER SUBSTANCES USED DURING

PREGNANCY OR YEAR PRIOR TO PREGNANCY

			FREQUENCY/ AMOUNT DURING PREGNANCY	FREQUENCY/ AMOUNT PRIOR TO PREGNANCY
	YES	NO		
Alcohol	/.. /	/.. /
Amphetamines	/.. /	/.. /
Barbiturates	/.. /	/.. /
Cocaine	/.. /	/.. /
Heroin	/.. /	/.. /
LSD	/.. /	/.. /
Marijuana	/.. /	/.. /
Caffeine (Coffee, tea, etc)	/.. /	/.. /
Prescription drugs	/.. /	/.. /
Non- prescription drugs	/.. /	/.. /
Other	/.. /	/.. /

24 In addition to this form, a birth parent shall also be
25 provided the forms for the Illinois Adoption Registry and

1 Medical Information Exchange.

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

4 CONSENT TO ADOPTION OF UNBORN CHILD

5 I,, state:

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

8 That I reside at County of, and State of

9 That I am of the age of years.

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

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

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

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

1 have the right to revoke this consent by giving written notice
2 of my revocation not later than 72 hours after the birth of the
3 child.

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

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

11 Dated (insert date).
12

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

21 FINAL AND IRREVOCABLE CONSENT
22 TO STANDBY ADOPTION

23 I, ..., (relationship, e.g. mother or father) of, a

1 ~~---~~male or female (circle one) child, state:

2 That the child was born on at

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

4 That I am of the age of years.

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

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

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

16 That I understand that until (I die) (the child's other
17 parent dies), I retain all legal rights and obligations
18 concerning the child, but at that time, I irrevocably give all
19 custody and other parental rights to (specified person or
20 persons).

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

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

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

10 Dated (insert date).

11

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

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

18 If (specified persons) obtain a judgment of
 19 dissolution of marriage before the judgment for adoption is
 20 entered, then (specified person) shall adopt my child. I
 21 understand that I cannot change my mind and revoke this consent
 22 or obtain or recover custody of my child if (specified
 23 persons) obtain a judgment of dissolution of marriage and
 24 (specified person) adopts my child. I understand that I cannot
 25 change my mind and revoke this consent if (specified

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

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

16 (3) The form of the certificate of acknowledgement for a
 17 Final and Irrevocable Consent for Standby Adoption shall be
 18 substantially as follows:

19 STATE OF)
 20) SS.
 21 COUNTY OF)

22 I, (name of Judge or other person) (official
 23 title, name, and address), certify that, personally
 24 known to me to be the same person whose name is subscribed to

1 the foregoing Final and Irrevocable Consent to Standby
 2 Adoption, appeared before me this day in person and
 3 acknowledged that (she) (he) signed and delivered the consent
 4 as (her) (his) free and voluntary act, for the specified
 5 purpose.

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

15 Dated (insert date).

16 Signature

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

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

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

23 The parent shall not need to take further action to revoke
 24 the consent if the standby adoption by the specified person or
 25 persons does not occur, notwithstanding the provisions of

1 Section 11 of this Act.

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

6 FINAL AND IRREVOCABLE SURRENDER

7 FOR PURPOSES OF ADOPTION

8 I, (relationship, e.g., mother, father, relative,
9 guardian) of, a ~~male~~ or female (circle one) child,
10 state:

11 That such child was born on, at

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

13 That I am of the age of years.

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

21 That I hereby grant to the Agency full power and authority
22 to place such child with any person or persons it may in its
23 sole discretion select to become the adopting parent or parents
24 and to consent to the legal adoption of such child by such

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

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

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

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

15 Dated (insert date).
 16

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

23 FINAL AND IRREVOCABLE DESIGNATED SURRENDER
 24 FOR PURPOSES OF ADOPTION

1 I, (relationship, e.g., mother, father, relative,
2 guardian) of, a ~~male~~ or female (circle one) child,
3 state:

4 1. That such child was born on, at

5 2. That I reside at, County of, and State of
6, my email address (if I have one) is my cell phone
7 number where I can receive text messages (if I have one) is
8 and my land line phone number (if I have one) is, and
9 any other contact information is

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

11 4. That I do hereby surrender and entrust the entire
12 custody and control of such child to the (the "Agency"), a
13 (public) (licensed) child welfare agency with its principal
14 office in the City of, County of and State of,
15 for the purpose of enabling it to care for and supervise the
16 care of such child, to place such child for adoption with
17 (specified person or persons)
18 and to consent to the legal adoption of such child and to take
19 any and all measures which, in the judgment of the Agency, may
20 be for the best interests of such child, including authorizing
21 medical, surgical and dental care and treatment including
22 inoculation and anesthesia for such child. If only first names
23 are used for the specified person or persons, I voluntarily
24 sign this designated surrender without disclosure to me of the
25 last name of the specified person or persons. However, I

1 understand that if I wish to know the last name of the
2 specified person or persons, I may request it before signing
3 the form. If I do not receive the last name, I may choose not to
4 sign the designated surrender form.

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

8 6. That if the petition for adoption is not filed by the
9 specified person or persons designated herein or, if the
10 petition for adoption is filed but the adoption petition is
11 dismissed with prejudice or the adoption proceeding is
12 otherwise concluded without an order declaring the child to be
13 the adopted child of each specified person, then I understand
14 that the Agency will ~~send~~ provide notice to me at the mailing
15 address, at the email address, through a text message to my
16 cell phone number provided in paragraph 2, and to any other
17 contact information I have provided in paragraph 2 within 5 ~~10~~
18 business days of this occurrence. The person sending the notice
19 shall prepare an affidavit of notice ~~and that such notice will~~
20 ~~be directed to me using the contact information I have provided~~
21 ~~to the Agency.~~ I understand that I will have 15 ~~10~~ business
22 days from the date that the written notice was sent ~~that the~~
23 ~~Agency sends me its notice~~ to respond, within which time I may
24 choose to designate other adoptive parent(s). However, I
25 acknowledge that the Agency has full power and authority to
26 place the child for adoption with any person or persons it may

1 in its sole discretion select to become the adopting parent or
2 parents and to consent to the legal adoption of the child by
3 such person or persons.

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

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

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

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

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

22 Dated (insert date).

23

24 D. The form of surrender to an agency given by a parent of
25 an unborn child who is to be subsequently placed for adoption

1 shall be substantially as follows and shall contain such other
2 facts and statements as the particular agency shall require.

3 SURRENDER OF UNBORN CHILD FOR
4 PURPOSES OF ADOPTION

5 I, (father), state:

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

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

9 That I am of the age of years.

10 That I do hereby surrender and entrust the entire custody
11 and control of such child to the (the "Agency"), a
12 (public) (licensed) child welfare agency with its principal
13 office in the City of, County of and State of,
14 for the purpose of enabling it to care for and supervise the
15 care of such child, to place such child for adoption and to
16 consent to the legal adoption of such child, and that I have
17 not previously executed a consent or surrender with respect to
18 such child.

19 That I hereby grant to the Agency full power and authority
20 to place such child with any person or persons it may in its
21 sole discretion select to become the adopting parent or parents
22 and to consent to the legal adoption of such child by such
23 person or persons; and to take any and all measures which, in
24 the judgment of the Agency, may be for the best interests of

1 such child, including authorizing medical, surgical and dental
2 care and treatment, including inoculation and anaesthesia for
3 such child.

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

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

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

15 Dated (insert date).
16

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

20 CONSENT

21 I,, (father) (mother) of, an adult, state:
22 That I reside at, County of and State of

23 That I do hereby consent and agree to the adoption of such

1 adult by and

2 Dated (insert date).

3

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

7 CONSENT

8 I,, state:

9 That I reside at, County of and State of

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

13 Dated (insert date).

14

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

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

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

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

19 STATE OF)

20) SS.

21 COUNTY OF ...)

22 I, (Name of judge or other person), (official
 23 title, name and location of court or status or position of
 24 other person), certify that, personally known to me to be
 25 the same person whose name is subscribed to the foregoing

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

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

12 Dated (insert date).

13 Signature

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

19 STATE OF)
 20) SS.
 21 COUNTY OF ...)

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

1 certificate of acknowledgment, appeared before me in person and
2 acknowledged that (she) (he) signed such certificate as (her)
3 (his) free and voluntary act and that the statements made in
4 the certificate are true.

5 Dated (insert date).

6 Signature Notary Public
7 (official seal)

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

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

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

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

1 branch of the armed forces.

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

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

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

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

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

19 A consent under this subsection O shall be acknowledged by
20 a parent pursuant to subsection H and subsection K of this
21 Section.

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

25 FINAL AND IRREVOCABLE CONSENT TO ADOPTION BY

1 A SPECIFIED PERSON OR PERSONS: DCFS CASE

2 I,, the
3 ~~mother~~ or father (circle one) of a ~~male~~
4 or female (circle one) child, state:

5 1. My child (name of
6 child) was born on (insert date) at
7 Hospital in the City/Town
8 ~~municipality~~ of, in County,
9 State of

10 2. I reside at, County of
11 and State of

12 Mail may also be sent to me at this address
13, in care of

14 My home telephone number is

15 My cell telephone number is

16 My e-mail address is

17 3. I,, am years old.

18 4. I enter my appearance in this action for my child to
19 be adopted by the person or persons specified herein by me
20 and waive service of summons on me in this action only.

21 5. I hereby acknowledge that I have been provided a
22 copy of the Birth Parent Rights and Responsibilities in
23 Illinois for Final and Irrevocable Consents to Adoption by
24 a Specified Person or Persons for DCFS Cases before signing
25 this Consent and that I have had time to read this form or

1 have it read to me and that I understand the rights and
 2 responsibilities described in this form. I understand that
 3 if I do not receive any of my rights as described in the
 4 form, it shall not constitute a basis to revoke this Final
 5 and Irrevocable Consent to Adoption by a Specified Person
 6 or Persons.

7 6. I do hereby consent and agree to the adoption of
 8 such child by (names of current foster parent(s)
 9 or caregiver(s), hereinafter referred to as the
 10 "(specified person or persons") only.

11 7. I wish to sign this consent and I understand that by
 12 signing this consent I irrevocably and permanently give up
 13 all my parental rights I have to my child.

14 8. I understand that this consent allows my child to be
 15 adopted by the specified person or persons only
 16 and that I cannot under any circumstances after signing
 17 this document change my mind and revoke or cancel this
 18 consent.

19 9. I understand that this consent will be void if:
 20 (a) the Department places my child with someone
 21 other than the specified person or persons; or
 22 (b) a court denies the adoption petition for the
 23 specified person or persons to adopt my child; or
 24 (c) the DCFS Guardianship Administrator refuses to
 25 consent to my child's adoption by the specified person
 26 or persons on the basis that the adoption is not in my

1 child's best interests.

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

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

25 11. If a person other than the specified person or
26 persons files a petition to adopt my child or if the

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

14 Caseworker's name and telephone number:
 15 ;

16 Agency name, address, zip code, and telephone number:
 17 ;

18 Supervisor's name and telephone number:
 19 ;

20 DCFS Advocacy Office for Children and Families:
 21 800-232-3798.

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

26 13. I have read and understand the above and I am

1 signing it as my free and voluntary act.

2 Dated (insert date).

3

4 Signature of parent

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

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

17 8b. I understand that if the specified persons get a
18 divorce or are granted a dissolution of a civil union
19 before the petition to adopt my child is granted, this
20 consent remains valid only for either
21 (name only one specified person) to adopt my child
22 ~~(specified persons) dies before the petition to adopt my~~
23 ~~child is granted, this consent remains valid for the~~
24 ~~surviving person to adopt my child.~~ I understand that I
25 cannot change my mind or revoke this consent or recover

1 ~~custody of my child on the basis that one of the specified~~
2 ~~persons dies.~~

3 8c. I understand that if either of the specified
4 persons dies before the petition to adopt my child is
5 granted, this consent remains valid for the surviving
6 person to adopt my child.

7 (4) The form of the certificate of acknowledgement for a
8 Final and Irrevocable Consent for Adoption by a Specified
9 Person or Persons: 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: DCFS Case, appeared before me this day in person and
19 acknowledged that (she) (he) signed and delivered the consent as
20 (her) (his) free and voluntary act, for the specified purpose.

21 I have fully explained that by signing this consent this
22 parent is irrevocably and permanently relinquishing all
23 parental rights to the child so that the child may be adopted
24 by a specified person or persons, and this parent has stated

1 that such is (her)(his) intention and desire. I have fully
2 explained that this consent is void only if:

3 (a) the placement is disrupted and the child is moved
4 to a different placement; or

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

6 (c) the Department of Children and Family Services
7 Guardianship Administrator refuses to consent to the
8 child's adoption by a specified person or persons on the
9 basis that the adoption is not in the child's best
10 interests.

11 Dated (insert date).

12

13 Signature

14 (5) If a consent to adoption by a specified person or
15 persons is executed in this form, the following provisions
16 shall apply. The consent shall be valid only for the specified
17 person or persons to adopt the child. The consent shall be void
18 if:

19 (a) the placement disrupts and the child is moved to
20 another placement; or

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

22 (c) the Department of Children and Family Services
23 Guardianship Administrator refuses to consent to the
24 child's adoption by the specified person or persons on the
25 basis that the adoption is not in the child's best

1 interests.

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

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

12 (7) (Blank).

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

18 (9) A consent to adoption by specified persons on this
19 consent form shall have no effect on a court's determination of
20 custody or visitation under the Illinois Marriage and
21 Dissolution of Marriage Act or the Illinois Religious Freedom
22 Protection and Civil Union Act if the marriage or civil union
23 of the specified persons is dissolved after the adoption is
24 final.

25 P. If the person signing a consent is incarcerated or
26 detained in a correctional facility, prison, jail, detention

1 center, or other comparable institution, either in this State
 2 or any other jurisdiction, the execution of such consent may be
 3 acknowledged before social service personnel of such
 4 institution, or before a person designated by a court of
 5 competent jurisdiction.

6 Q. A consent may be acknowledged telephonically, via
 7 audiovisual connection, or other electronic means, provided
 8 that a court of competent jurisdiction has entered an order
 9 approving the execution of the consent in such manner and has
 10 designated an individual to be physically present with the
 11 parent executing such consent in order to verify the identity
 12 of the parent.

13 R. An agency whose representative is acknowledging a
 14 consent pursuant to this Section shall be a public child
 15 welfare agency, or a child welfare agency, or a child placing
 16 agency that is authorized or licensed in the State or
 17 jurisdiction in which the consent is signed.

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

20 FINAL AND IRREVOCABLE

21 WAIVER OF PARENTAL RIGHTS OF PUTATIVE OR LEGAL FATHER

22 I, , state under oath or affirm as
 23 follows:

24 1. That the biological mother has

1 named me as a possible biological or legal father of her
 2 minor child who was born, or is expected to be born on
 3 ,, in the City/Town of....., State
 4 of

5 2. That I understand that the biological mother
 6 intends to or has placed the child for
 7 adoption.

8 3. That I reside at, in the City/Town
 9 of....., State of

10 4. That I am years of age and my date
 11 of birth is,

12 5. That I (select one):
 13 am married to the biological mother.
 14 am not married to the biological mother and
 15 have not been married to the biological mother within
 16 300 days before the child's birth or expected date of
 17 child's birth.

18 am not currently married to the biological
 19 mother, but was married to the biological mother,
 20 within 300 days before the child's birth or expected
 21 date of child's birth.

22 6. That I (select one):
 23 neither admit nor deny that I am the
 24 biological father of the child.

25 deny that I am the biological father of the
 26 child.

1 7. That I hereby agree to the termination of my
 2 parental rights, if any, without further notice to me of
 3 any proceeding for the adoption of the minor child, even if
 4 I have taken any action to establish parental rights or
 5 take any such action in the future including registering
 6 with any putative father registry.

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

10 9. That I understand that this Waiver is FINAL AND
 11 IRREVOCABLE and that I am permanently barred from
 12 contesting any proceeding for the adoption of the child
 13 after I sign this Waiver.

14 10. That I waive any further service of summons or
 15 other pleadings in any proceeding to terminate parental
 16 rights, if any to this child, or any proceeding for
 17 adoption of this child.

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

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

24 Dated: ,

25

1 Signature

2 OATH

3 I have been duly sworn and I state under oath that I have read
4 and understood this Final and Irrevocable Waiver of Parental
5 Rights of Putative or Legal Father. The facts contained in it
6 are true and correct to the best of my knowledge. I have signed
7 this document as my free and voluntary act in order to
8 facilitate the adoption of the child.

9

10 Signature

11 Signed and Sworn before me on

12 this day

13 of, 20....

14

15 Notary Public

16 (Source: P.A. 98-463, eff. 8-16-13; 99-833, eff. 1-1-17.)