



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB2246

Introduced 4/4/2019, by Sen. Ram Villivalam

SYNOPSIS AS INTRODUCED:

750 ILCS 50/15

from Ch. 40, par. 1519

Amends the Adoption Act. Provides that if a child is placed for adoption, any relative who wishes to adopt the child, upon a written or oral motion to intervene, shall be made a party to the adoption proceeding. Provides that an intervening party may not exercise the right to a substitution of judge. Provides that if there is a grandparent who wishes to adopt, the court shall place the child with the grandparent unless the court makes an express finding based on clear and convincing evidence that placement with the grandparent would be harmful to the child's welfare. Provides that if no grandparent is available, the court shall place the child with another relative in the following order: an older sibling, an aunt or uncle, a cousin or cousins, or other relative. Provides that a relative may waive his or her right to adopt a child, and make the waiver conditional on the child being adopted by some other designated relative. Provides that if the designated relative fails to adopt the child, or the designative relative adopts the child and his or her parental rights to the child are subsequently terminated, then the rights waived may be reasserted. Provides that the court may enter an order requiring any relative who wishes to conditionally waive adoption rights to name the designated relative no less than 30 days after being made a party to the adoption proceeding.

LRB101 11904 LNS 58936 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 15 as follows:

6 (750 ILCS 50/15) (from Ch. 40, par. 1519)

7 Sec. 15. Placement of child - religion; relation.

8 (a) The welfare of the child shall be the prime
9 consideration in all adoption proceedings. The court in
10 entering a judgment of adoption shall, whenever possible, give
11 custody through adoption to a petitioner or petitioners of the
12 same religious belief as that of the child.

13 (b) It is the public policy of this State to favor adoption
14 of a child by a relative unless it is shown by clear and
15 convincing evidence that any such adoption would be harmful to
16 the welfare of the child.

17 (c) If a child is placed for adoption, any relative who
18 wishes to adopt the child and who is not already a party to the
19 adoption proceeding, upon a written or oral motion to
20 intervene, shall be made a party to the adoption proceeding,
21 except that no one who becomes a party under this subsection
22 may exercise the rights granted by paragraph (2) of subsection
23 (a) of Section 2-1001 of the Code of Civil Procedure.

1 (d) If there is a grandparent who wishes to adopt, the
2 court shall place the child with the grandparent, unless after
3 an evidentiary hearing the court makes an express finding based
4 on clear and convincing evidence that placement with the
5 grandparent would be harmful to the child's welfare.

6 (e) If no grandparent is available, then if there is an
7 older sibling who wishes to adopt, the court shall place the
8 child with the older sibling, unless after an evidentiary
9 hearing the court makes an express finding based on clear and
10 convincing evidence that placement with the older sibling would
11 be harmful to the child's welfare.

12 (f) If no grandparent or older sibling is available, then
13 if there is an aunt or uncle who wishes to adopt, the court
14 shall place the child with the aunt or uncle, or both, unless
15 after an evidentiary hearing the court makes an express finding
16 based on clear and convincing evidence that placement with the
17 aunt or uncle, or both, would be harmful to the child's
18 welfare.

19 (g) If no grandparent, older sibling, or aunt or uncle is
20 available, then if there is a cousin who wishes to adopt, the
21 court shall place the child with the cousin, unless after an
22 evidentiary hearing the court makes an express finding based on
23 clear and convincing evidence that placement with the cousin or
24 cousins would be harmful to the child's welfare.

25 (h) If no grandparent, older sibling, aunt or uncle, or
26 cousin is available, then if there is a relative who wishes to

1 adopt, the court shall place the child with the relative,
2 unless after an evidentiary hearing the court makes an express
3 finding based on clear and convincing evidence that placement
4 with the relative would be harmful to the child's welfare.

5 (i) A grandparent, older sibling, aunt or uncle, or cousin
6 may waive his or her right to adopt a child and make the waiver
7 conditional on the child being adopted by some other designated
8 relative. If the designated relative fails to adopt the child,
9 or if the designated relative does adopt the child and his or
10 her parental rights to the child are subsequently terminated,
11 then the rights waived under this subsection may be reasserted.
12 No relative may waive and subsequently reassert rights in this
13 manner more than twice in an adoption proceeding.

14 (j) The court, on motion of any party or on its own motion,
15 may enter an order requiring any relative who wishes to
16 conditionally waive adoption rights under subsection (i) to
17 name the designated relative or relatives no less than 30 days
18 after being made a party to the adoption proceeding.

19 (Source: P.A. 84-452.)