



Sen. A. J. Wilhelmi

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09700HB1699sam003

LRB097 07861 AJ0 55891 a

1 AMENDMENT TO HOUSE BILL 1699

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1699 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Adoption Act is amended by changing  
5 Sections 5, 8, 9, 10, and 11 as follows:

6 (750 ILCS 50/5) (from Ch. 40, par. 1507)

7 Sec. 5. Petition, contents, verification, filing.

8 A. A proceeding to adopt a child, other than a related  
9 child, shall be commenced by the filing of a petition within 30  
10 days after such child has become available for adoption,  
11 provided that such petition may be filed at a later date by  
12 leave of court upon a showing that the failure to file such  
13 petition within such 30 day period was not due to the  
14 petitioners' culpable negligence or their wilful disregard of  
15 the provisions of this Section. In the case of a child born  
16 outside the United States or a territory thereof, if the

1 prospective adoptive parents of such child have been appointed  
2 guardians of such child by a court of competent jurisdiction in  
3 a country other than the United States or a territory thereof,  
4 such parents shall file a petition as provided in this Section  
5 within 30 days after entry of the child into the United States.  
6 A petition to adopt an adult or a related child may be filed at  
7 any time. A petition for adoption may include more than one  
8 person sought to be adopted.

9 B. A petition to adopt a child other than a related child  
10 shall state:

11 (a) The full names of the petitioners and, if minors,  
12 their respective ages;

13 (b) The place of residence of the petitioners and the  
14 length of residence of each in the State of Illinois  
15 immediately preceding the filing of the petition;

16 (c) When the petitioners acquired, or intend to  
17 acquire, custody of the child, and the name and address of  
18 the persons or agency from whom the child was or will be  
19 received;

20 (d) The name, the place and date of birth if known, and  
21 the sex of the child sought to be adopted;

22 (e) The relationship, if any, of the child to each  
23 petitioner;

24 (f) The names, if known, and the place of residence, if  
25 known, of the parents; and whether such parents are minors,  
26 or otherwise under any legal disability. The names and

1 addresses of the parents shall be omitted and they shall  
2 not be made parties defendant to the petition if (1) the  
3 rights of the parents have been terminated by a court of  
4 competent jurisdiction, or (2) ~~if~~ the child has been  
5 surrendered to an agency, or (3) ~~if~~ the parent or parents  
6 have been served with the notice provided in Section 12a of  
7 this Act and said parent or parents have filed a disclaimer  
8 of paternity as therein provided or have failed to file  
9 such declaration of paternity or a request for notice as  
10 provided in said Section, or (4) the parent is a putative  
11 father or legal father of the child who has waived his  
12 parental rights by signing a waiver as provided in  
13 subsection S of Section 10;

14 (g) If it is alleged that the child has no living  
15 parent, then the name of the guardian, if any, of such  
16 child and the court which appointed such guardian;

17 (h) If it is alleged that the child has no living  
18 parent and that no guardian of such child is known to  
19 petitioners, then the name of a near relative, if known,  
20 shall be set forth, or an allegation that no near relative  
21 is known and on due inquiry cannot be ascertained by  
22 petitioners;

23 (i) The name to be given the child or adult;

24 (j) That the person or agency, having authority to  
25 consent under Section 8 of this Act, has consented, or has  
26 indicated willingness to consent, to the adoption of the

1 child by the petitioners, or that the person having  
2 authority to consent is an unfit person and the ground  
3 therefor, or that no consent is required under paragraph  
4 (f) of Section 8 of this Act;

5 (k) Whatever orders, judgments or decrees have  
6 heretofore been entered by any court affecting (1) adoption  
7 or custody of the child, or (2) the adoptive, custodial or  
8 parental rights of either petitioner, including the prior  
9 denial of any petition for adoption pertaining to such  
10 child, or to the petitioners, or either of them.

11 C. A petition to adopt a related child shall include the  
12 information specified in sub-paragraphs (a), (b), (d), (e),  
13 (f), (i) and (k) of paragraph B and a petition to adopt an  
14 adult shall contain the information required by sub-paragraphs  
15 (a), (b) and (i) of paragraph B in addition to the name, place,  
16 date of birth and sex of such adult.

17 D. The petition shall be verified by the petitioners.

18 E. Upon the filing of the petition the petitioners shall  
19 furnish the Clerk of the Court in which the petition is pending  
20 such information not contained in such petition as shall be  
21 necessary to enable the Clerk of such Court to complete a  
22 certificate of adoption as hereinafter provided.

23 F. A petition for standby adoption shall conform to the  
24 requirements of this Act with respect to petition contents,  
25 verification, and filing. The petition for standby adoption  
26 shall also state the facts concerning the consent of the

1 child's parent to the standby adoption. A petition for standby  
2 adoption shall include the information in paragraph B if the  
3 petitioner seeks to adopt a child other than a related child. A  
4 petition for standby adoption shall include the information in  
5 paragraph C if the petitioner seeks to adopt a related child or  
6 adult.

7 (Source: P.A. 91-357, eff. 7-29-99; 91-572, eff. 1-1-00.)

8 (750 ILCS 50/8) (from Ch. 40, par. 1510)

9 Sec. 8. Consents to adoption and surrenders for purposes of  
10 adoption.

11 (a) Except as hereinafter provided in this Section consents  
12 or surrenders shall be required in all cases, unless the person  
13 whose consent or surrender would otherwise be required shall be  
14 found by the court:

15 (1) to be an unfit person as defined in Section 1 of  
16 this Act, by clear and convincing evidence; or

17 (2) not to be the biological or adoptive father of the  
18 child; or

19 (3) to have waived his parental rights to the child  
20 under Section 12a or 12.1 or subsection S of Section 10 of  
21 this Act; or

22 (4) to be the parent of an adult sought to be adopted;  
23 or

24 (5) to be the father of the child as a result of  
25 criminal sexual abuse or assault as defined under Article

1 12 of the Criminal Code of 1961; or

2 (6) to be the father of a child who:

3 (i) is a family member of the mother of the child,  
4 and the mother is under the age of 18 at the time of  
5 the child's conception; for purposes of this  
6 subsection, a "family member" is a parent,  
7 step-parent, grandparent, step-grandparent, sibling,  
8 or cousin of the first degree, whether by whole blood,  
9 half-blood, or adoption, as well as a person age 18 or  
10 over at the time of the child's conception who has  
11 resided in the household with the mother continuously  
12 for at least one year; or

13 (ii) is at least 5 years older than the child's  
14 mother, and the mother was under the age of 17 at the  
15 time of the child's conception, unless the mother and  
16 father voluntarily acknowledge the father's paternity  
17 of the child by marrying or by establishing the  
18 father's paternity by consent of the parties pursuant  
19 to the Illinois Parentage Act of 1984 or pursuant to a  
20 substantially similar statute in another state.

21 A criminal conviction of any offense pursuant to  
22 Article 12 of the Criminal Code of 1961 is not required.

23 (b) Where consents are required in the case of an adoption  
24 of a minor child, the consents of the following persons shall  
25 be sufficient:

26 (1) (A) The mother of the minor child; and

1 (B) The father of the minor child, if the father:

2 (i) was married to the mother on the date of  
3 birth of the child or within 300 days before the  
4 birth of the child, except for a husband or former  
5 husband who has been found by a court of competent  
6 jurisdiction not to be the biological father of the  
7 child; or

8 (ii) is the father of the child under a  
9 judgment for adoption, an order of parentage, or an  
10 acknowledgment of parentage or paternity pursuant  
11 to subsection (a) of Section 5 of the Illinois  
12 Parentage Act of 1984; or

13 (iii) in the case of a child placed with the  
14 adopting parents less than 6 months after birth,  
15 openly lived with the child, the child's  
16 biological mother, or both, and held himself out to  
17 be the child's biological father during the first  
18 30 days following the birth of the child; or

19 (iv) in the case of a child placed with the  
20 adopting parents less than 6 months after birth,  
21 made a good faith effort to pay a reasonable amount  
22 of the expenses related to the birth of the child  
23 and to provide a reasonable amount for the  
24 financial support of the child before the  
25 expiration of 30 days following the birth of the  
26 child, provided that the court may consider in its

1 determination all relevant circumstances,  
2 including the financial condition of both  
3 biological parents; or

4 (v) in the case of a child placed with the  
5 adopting parents more than 6 months after birth,  
6 has maintained substantial and continuous or  
7 repeated contact with the child as manifested by:

8 (I) the payment by the father toward the support of  
9 the child of a fair and reasonable sum, according  
10 to the father's means, and either (II) the father's  
11 visiting the child at least monthly when  
12 physically and financially able to do so and not  
13 prevented from doing so by the person or authorized  
14 agency having lawful custody of the child, or (III)  
15 the father's regular communication with the child  
16 or with the person or agency having the care or  
17 custody of the child, when physically and  
18 financially unable to visit the child or prevented  
19 from doing so by the person or authorized agency  
20 having lawful custody of the child. The subjective  
21 intent of the father, whether expressed or  
22 otherwise unsupported by evidence of acts  
23 specified in this sub-paragraph as manifesting  
24 such intent, shall not preclude a determination  
25 that the father failed to maintain substantial and  
26 continuous or repeated contact with the child; or



1           (vi) in the case of a child placed with the  
2           adopting parents more than six months after birth,  
3           openly lived with the child for a period of six  
4           months within the one year period immediately  
5           preceding the placement of the child for adoption  
6           and openly held himself out to be the father of the  
7           child; or

8           (vii) has timely registered with Putative  
9           Father Registry, as provided in Section 12.1 of  
10          this Act, and prior to the expiration of 30 days  
11          from the date of such registration, commenced  
12          legal proceedings to establish paternity under the  
13          Illinois Parentage Act of 1984 or under the law of  
14          the jurisdiction of the child's birth; or

15          (2) The legal guardian of the person of the child, if  
16          there is no surviving parent; or

17          (3) An agency, if the child has been surrendered for  
18          adoption to such agency; or

19          (4) Any person or agency having legal custody of a  
20          child by court order if the parental rights of the parents  
21          have been judicially terminated, and the court having  
22          jurisdiction of the guardianship of the child has  
23          authorized the consent to the adoption; or

24          (5) The execution and verification of the petition by  
25          any petitioner who is also a parent of the child sought to  
26          be adopted shall be sufficient evidence of such parent's

1 consent to the adoption.

2 (c) Where surrenders to an agency are required in the case  
3 of a placement for adoption of a minor child by an agency, the  
4 surrenders of the following persons shall be sufficient:

5 (1) (A) The mother of the minor child; and

6 (B) The father of the minor child, if the father:

7 (i) was married to the mother on the date of  
8 birth of the child or within 300 days before the  
9 birth of the child, except for a husband or former  
10 husband who has been found by a court of competent  
11 jurisdiction not to be the biological father of the  
12 child; or

13 (ii) is the father of the child under a  
14 judgment for adoption, an order of parentage, or an  
15 acknowledgment of parentage or paternity pursuant  
16 to subsection (a) of Section 5 of the Illinois  
17 Parentage Act of 1984; or

18 (iii) in the case of a child placed with the  
19 adopting parents less than 6 months after birth,  
20 openly lived with the child, the child's  
21 biological mother, or both, and held himself out to  
22 be the child's biological father during the first  
23 30 days following the birth of a child; or

24 (iv) in the case of a child placed with the  
25 adopting parents less than 6 months after birth,  
26 made a good faith effort to pay a reasonable amount

1 of the expenses related to the birth of the child  
2 and to provide a reasonable amount for the  
3 financial support of the child before the  
4 expiration of 30 days following the birth of the  
5 child, provided that the court may consider in its  
6 determination all relevant circumstances,  
7 including the financial condition of both  
8 biological parents; or

9 (v) in the case of a child placed with the  
10 adopting parents more than six months after birth,  
11 has maintained substantial and continuous or  
12 repeated contact with the child as manifested by:  
13 (I) the payment by the father toward the support of  
14 the child of a fair and reasonable sum, according  
15 to the father's means, and either (II) the father's  
16 visiting the child at least monthly when  
17 physically and financially able to do so and not  
18 prevented from doing so by the person or authorized  
19 agency having lawful custody of the child or (III)  
20 the father's regular communication with the child  
21 or with the person or agency having the care or  
22 custody of the child, when physically and  
23 financially unable to visit the child or prevented  
24 from doing so by the person or authorized agency  
25 having lawful custody of the child. The subjective  
26 intent of the father, whether expressed or

1 otherwise, unsupported by evidence of acts  
2 specified in this sub-paragraph as manifesting  
3 such intent, shall not preclude a determination  
4 that the father failed to maintain substantial and  
5 continuous or repeated contact with the child; or

6 (vi) in the case of a child placed with the  
7 adopting parents more than six months after birth,  
8 openly lived with the child for a period of six  
9 months within the one year period immediately  
10 preceding the placement of the child for adoption  
11 and openly held himself out to be the father of the  
12 child; or

13 (vii) has timely registered with the Putative  
14 Father Registry, as provided in Section 12.1 of  
15 this Act, and prior to the expiration of 30 days  
16 from the date of such registration, commenced  
17 legal proceedings to establish paternity under the  
18 Illinois Parentage Act of 1984, or under the law of  
19 the jurisdiction of the child's birth.

20 (d) In making a determination under subparagraphs (b) (1)  
21 and (c) (1), no showing shall be required of diligent efforts by  
22 a person or agency to encourage the father to perform the acts  
23 specified therein.

24 (e) In the case of the adoption of an adult, only the  
25 consent of such adult shall be required.

26 (Source: P.A. 93-510, eff. 1-1-04; 94-530, eff. 1-1-06.)

1 (750 ILCS 50/9) (from Ch. 40, par. 1511)

2 Sec. 9. Time for signing a waiver, ~~taking a consent~~, or  
3 surrender.

4 A. A consent or a surrender signed ~~taken~~ not less than 72  
5 hours after the birth of the child is irrevocable except as  
6 provided in Section 11 of this Act.

7 B. No consent or surrender shall be signed ~~taken~~ within the  
8 72 hour period immediately following the birth of the child.

9 C. A consent or a surrender may be signed by ~~taken from~~ the  
10 father prior to the birth of the child. Such consent or  
11 surrender shall be revoked if, within 72 hours after the birth  
12 of the child, the father who gave such consent or surrender,  
13 notifies in writing the person, agency or court representative  
14 who acknowledged ~~took~~ the surrender or consent or any  
15 individual representing or connected with such person, agency  
16 or court representative of the revocation of the consent or  
17 surrender.

18 D. Any consent or surrender signed ~~taken~~ in accordance with  
19 paragraph C above which is not revoked within 72 hours after  
20 the birth of the child is irrevocable except as provided in  
21 Section 11 of this Act.

22 E. Consent may be given to a standby adoption by a parent  
23 whose consent is required pursuant to Section 8 of this Act to  
24 become effective when the consenting parent of the child dies  
25 or that parent requests that the final judgment of adoption be

1 entered.

2 F. A waiver as provided in subsection S of Section 10 of  
3 this Act may be signed by a putative father or legal father of  
4 the child at any time prior to or after the birth of the child.

5 A waiver is irrevocable except as provided in Section 11 of  
6 this Act.

7 (Source: P.A. 93-732, eff. 1-1-05.)

8 (750 ILCS 50/10) (from Ch. 40, par. 1512)

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

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

13 FINAL AND IRREVOCABLE CONSENT TO ADOPTION

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

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

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

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

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

21 That I hereby acknowledge that I have been provided with 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. I understand that if I  
25 do not receive any of the rights as described in this Form, it

1 shall not constitute a basis to revoke this Final and  
2 Irrevocable Consent.

3 That I do hereby consent and agree to the adoption of such  
4 child.

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

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

14 Dated (insert date).

15 .....

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

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

25 (2) The form of the Final and Irrevocable Consent to

1 Adoption by a Specified Person or Persons in a non-DCFS case  
2 shall have the caption of the proceeding in which it is to be  
3 filed and shall be substantially as follows:

4 FINAL AND IRREVOCABLE CONSENT TO ADOPTION BY

5 A SPECIFIED PERSON OR PERSONS; NON-DCFS CASE

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

8 1. That such child was born on ....., at ....., City of ...  
9 and State of ....

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

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

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

14 5. That I hereby acknowledge that I have been provided 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 and that I understand  
18 the Rights and Responsibilities described in this Form. I  
19 understand that if I do not receive any of my rights as  
20 described in said Form, it shall not constitute a basis to  
21 revoke this Final and Irrevocable Consent to Adoption by a  
22 Specified Person.

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

25 7. That I wish to and understand that upon signing this  
26 consent I do irrevocably and permanently give up all custody



1 and other parental rights I have to such child if such child is  
2 adopted by .... (specified person or persons). I hereby  
3 transfer all of my rights to the custody, care and control of  
4 such child to ..... (specified person  
5 or persons).

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

15 9. That if the specified person or persons designated  
16 herein do not file a petition for adoption within the  
17 time-frame specified above, or, if said petition for adoption  
18 is filed within the time-frame specified above but the adoption  
19 petition is dismissed with prejudice or the adoption proceeding  
20 is otherwise concluded without an order declaring the child to  
21 be the adopted child of the specified person or persons, then I  
22 understand that I will receive written notice of such  
23 circumstances within 10 business days of their occurrence. I  
24 understand that the notice will be directed to me using the  
25 contact information I have provided in this consent. I  
26 understand that I will have 10 business days from the date that

1 the written notice is sent to me to respond, within which time  
2 I may request the Court to declare this consent voidable and  
3 return the child to me. I further understand that the Court  
4 will make the final decision of whether or not the child will  
5 be returned to me. If I do not make such request within 10  
6 business days of the date of the notice, then I expressly waive  
7 any other notice or service of process in any legal proceeding  
8 for the adoption of the child.

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

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

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

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

26 14. That I acknowledge that this consent is valid even if

1 the specified person or persons separate or divorce or one of  
2 the specified persons dies prior to the entry of the final  
3 judgment for adoption.

4 Dated (insert date).  
5 .....

6 Signature of parent.  
7 .....

8 Address of parent.  
9 .....

10 Phone number(s) of parent.  
11 .....

12 Personal email(s) of parent.  
13 .....

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

18 STATE OF .....)

19 ) SS.

20 COUNTY OF .....)

21 I, ..... (Name of Judge or other person),  
22 ..... (official title, name, and address),  
23 certify that ....., personally known to me to be the  
24 same person whose name is subscribed to the foregoing Final and  
25 Irrevocable Consent for Adoption by a Specified Person or

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

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

17 Birth Parent Rights and Responsibilities-Private Form

18 As a birth parent in the State of Illinois, you have the  
19 right:

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

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

26 3. To receive counseling before and after signing a Final

1 and Irrevocable Consent to Adoption ("Consent"), a Final and  
2 Irrevocable Consent to Adoption by a Specified Person or  
3 Persons: Non-DCFS Case ("Specified Consent"), or a Consent to  
4 Adoption of Unborn Child ("Unborn Consent"). The prospective  
5 adoptive parents may agree to pay for the cost of counseling in  
6 a manner consistent with Illinois law, but they are not  
7 required to do so.

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

10 5. To ask your child's prospective adoptive parents any  
11 questions that pertain to your decision to place your child  
12 with them.

13 6. To see your child before signing a Consent or Specified  
14 Consent.

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

21 8. To receive copies of all documents that you sign and  
22 have those documents provided to you in your preferred  
23 language.

24 9. To request that your identifying information remain  
25 confidential, unless required otherwise by Illinois law or  
26 court order, and to register with the Illinois Adoption

1 Registry and Medical Information Exchange.

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

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

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

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

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

16 As a Birth Parent in the State of Illinois, you have the  
17 responsibility:

18 1. To carefully consider your reasons for choosing  
19 adoption.

20 2. To voluntarily provide all known medical, background,  
21 and family information about yourself and your immediate family  
22 to your child's prospective adoptive parents or their attorney.  
23 For the health of your child, you are strongly encouraged, but  
24 not required, to provide all known medical, background, and  
25 family history information about yourself and your family to  
26 your child's prospective adoptive parents or their attorney.

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

5           4. To not accept financial support or reimbursement of  
6 pregnancy related expenses simultaneously from more than one  
7 source.

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

10                           CONSENT TO ADOPTION OF UNBORN CHILD

11           I, ....., state:

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

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

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

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

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

25           That I do hereby consent and agree to the adoption of such  
26 child, and that I have not previously executed a consent or

1 surrender with respect to such child.

2 That I wish to and do understand that by signing this  
3 consent I do irrevocably and permanently give up all custody  
4 and other parental rights I have to such child, except that I  
5 have the right to revoke this consent by giving written notice  
6 of my revocation not later than 72 hours after the birth of the  
7 child.

8 That I understand such child will be placed for adoption  
9 and that, except as hereinabove provided, I cannot under any  
10 circumstances, after signing this document, change my mind and  
11 revoke or cancel this consent or obtain or recover custody or  
12 any other rights 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 B-5. (1) The parent of a child may execute a consent to  
18 standby adoption by a specified person or persons. A consent  
19 under this subsection B-5 shall be acknowledged by a parent  
20 pursuant to subsection H and subsection K of this Section. The  
21 form of consent required for the standby adoption of a born  
22 child effective at a future date when the consenting parent of  
23 the child dies or requests that a final judgment of adoption be  
24 entered shall be substantially as follows:

25 FINAL AND IRREVOCABLE CONSENT

26 TO STANDBY ADOPTION



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

3 That the 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 hereby enter my appearance in this proceeding and  
7 waive service of summons on me in this action only.

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

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

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

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

1 persons) adopt my child.

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

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

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

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

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

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

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

20 STATE OF .....)

21 ) SS.

22 COUNTY OF .....)

23 I, ..... (name of Judge or other person) ..... (official  
24 title, name, and address), certify that ....., personally

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

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

16 Dated (insert date).

17 Signature .....

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

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

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

24 The parent shall not need to take further action to revoke  
 25 the consent if the standby adoption by the specified person or  
 26 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 child, state:

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

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

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

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

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

1 care and treatment including inoculation and anaesthesia for  
2 such child.

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

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

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

12 Dated (insert date).  
13 .....

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

20 FINAL AND IRREVOCABLE DESIGNATED SURRENDER  
21 FOR PURPOSES OF ADOPTION

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

- 24 1. That such child was born on ....., at .....
- 25 2. That I reside at ....., County of ....., and State of
- 26 .....

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

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

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

17          6. That if the petition for adoption is not filed by the  
18 specified person or persons designated herein or, if the  
19 petition for adoption is filed but the adoption petition is  
20 dismissed with prejudice or the adoption proceeding is  
21 otherwise concluded without an order declaring the child to be  
22 the adopted child of each specified person, then I understand  
23 that the Agency will provide notice to me within 10 business  
24 days and that such notice will be directed to me using the  
25 contact information I have provided to the Agency. I understand  
26 that I will have 10 business days from the date that the Agency

1 sends me its notice to respond, within which time I may choose  
2 to designate other adoptive parent(s). However, I acknowledge  
3 that the Agency has full power and authority to place the child  
4 for adoption with any person or persons it may in its sole  
5 discretion select to become the adopting parent or parents and  
6 to consent to the legal adoption of the child by such person or  
7 persons.

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

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

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

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

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

26 Dated (insert date).



1 .....  
2

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

7 SURRENDER OF UNBORN CHILD FOR  
8 PURPOSES OF ADOPTION

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

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

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, and that I have  
21 not previously executed a consent or surrender with respect to  
22 such child.

23 That I hereby grant to the Agency full power and authority  
24 to place such child with any person or persons it may in its  
25 sole discretion select to become the adopting parent or parents  
26 and to consent to the legal adoption of such child by such  
person or persons; and to take any and all measures which, in

1 the judgment of the Agency, may be for the best interests of  
2 such child, including authorizing medical, surgical and dental  
3 care and treatment, including inoculation and anaesthesia for  
4 such child.

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

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

16 Dated (insert date).

17 .....

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

21 CONSENT

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

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

24 That I do hereby consent and agree to the adoption of such  
25 adult by .... and .....

26 Dated (insert date).

1 .....  
2

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

6 CONSENT

7 I, ....., state:

8 That I reside at ....., County of .... and State of .....  
9 That I am of the age of .... years. That I consent and agree to  
10 my adoption by .... and .....

11 Dated (insert date).  
12 .....

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

21 H. A consent (other than that given by an agency, or  
22 guardian of the person of the child sought to be adopted who  
23 was appointed by a court of competent jurisdiction) shall be  
24 acknowledged by a parent before a judge of a court of competent  
25 jurisdiction or, except as otherwise provided in this Act,  
26 before a representative of an agency, or before a person, other  
than the attorney for the prospective adoptive parent or

1 parents, designated by a court of competent jurisdiction.

2 I. A surrender, or any other document equivalent to a  
3 surrender, by which a child is surrendered to an agency shall  
4 be acknowledged by the person signing such surrender, or other  
5 document, before a judge of a court of competent jurisdiction,  
6 or, except as otherwise provided in this Act, before a  
7 representative of an agency, or before a person designated by a  
8 court of competent jurisdiction.

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

12 STATE OF ....)

13 ) SS.

14 COUNTY OF ...)

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

23 I have fully explained that by signing such (consent)  
24 (surrender) (she) (he) is irrevocably relinquishing all  
25 parental rights to such child or adult and (she) (he) has  
26 stated that such is (her) (his) intention and desire. (Add if

1 Consent only) I am further satisfied that, before signing this  
2 Consent, ..... has read, or has had read to him or her, the  
3 Birth Parent Rights and Responsibilities-Private Form.

4 Dated (insert date).

5 Signature .....

6 K. When the execution of a consent or a surrender is  
7 acknowledged before someone other than a judge, such other  
8 person shall have his or her signature on the certificate  
9 acknowledged before a notary public, in form substantially as  
10 follows:

11 STATE OF ....)

12 ) SS.

13 COUNTY OF ...)

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

21 Dated (insert date).

22 Signature ..... Notary Public  
23 (official seal)

24 There shall be attached a certificate of magistracy, or  
25 other comparable proof of office of the notary public

1 satisfactory to the court, to a consent signed and acknowledged  
2 in another state.

3 L. A surrender or consent executed and acknowledged outside  
4 of this State, either in accordance with the law of this State  
5 or in accordance with the law of the place where executed, is  
6 valid.

7 M. Where a consent or a surrender is signed in a foreign  
8 country, the execution of such consent shall be acknowledged or  
9 affirmed in a manner conformable to the law and procedure of  
10 such country.

11 N. If the person signing a consent or surrender is in the  
12 military service of the United States, the execution of such  
13 consent or surrender may be acknowledged before a commissioned  
14 officer and the signature of such officer on such certificate  
15 shall be verified or acknowledged before a notary public or by  
16 such other procedure as is then in effect for such division or  
17 branch of the armed forces.

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

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

26 (b) in whose physical custody at least one sibling of

1 the child who is the subject of this consent has resided  
2 for at least 6 months, and the child who is the subject of  
3 this consent is currently residing in this foster home; or

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

6 A consent under this subsection O shall be acknowledged by a  
7 parent pursuant to subsection H and subsection K of this  
8 Section.

9 (2) The consent to adoption by a specified person or  
10 persons shall have the caption of the proceeding in which it is  
11 to be filed and shall be substantially as follows:

12 FINAL AND IRREVOCABLE CONSENT TO ADOPTION BY  
13 A SPECIFIED PERSON OR PERSONS: DCFS CASE

14 I, ....., the  
15 ..... (mother or father) of a ....male child,  
16 state:

17 My child ..... (name of child)  
18 was born on (insert date) at ..... Hospital  
19 in ..... County, State of .....

20 I reside at ....., County of  
21 ..... and State of .....

22 I, ....., am .... years old.

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

26 I consent to the adoption of my child by

1 ..... (specified person or  
2 persons) only.

3 I wish to sign this consent and I understand that by  
4 signing this consent I irrevocably and permanently give up  
5 all parental rights I have to my child if my child is  
6 adopted by ..... (specified person  
7 or persons).

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

15 I understand that this consent to adoption is valid  
16 only if the petition to adopt is filed within one year from  
17 the date that I sign it and that if .....  
18 (specified person or persons), for any reason, cannot or  
19 will not file a petition to adopt my child within that one  
20 year period or if their adoption petition is denied, then  
21 this consent will be voidable after one year upon the  
22 timely filing of my motion. If I file this motion before  
23 the filing of the petition for adoption, I understand that  
24 the court shall revoke this specific consent. I have the  
25 right to notice of any other proceeding that could affect  
26 my parental rights, except for the proceeding for



1 ..... (specified person or persons) to adopt my  
2 child.

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

24 I understand that if either .....  
25 (specified persons) dies before the petition to adopt my  
26 child is granted, then the surviving person can adopt my

1 child. I understand that I cannot change my mind and revoke  
 2 this consent or obtain or recover custody over my child if  
 3 the surviving person adopts my child.

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

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

12 STATE OF .....)  
 13 ) SS.  
 14 COUNTY OF .....)

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

23 I have fully explained that this consent to adoption is  
 24 valid only if the petition to adopt is filed within one year

1 from the date that it is signed, and that if the specified  
 2 person or persons, for any reason, cannot or will not adopt the  
 3 child or if the adoption petition is denied, then this consent  
 4 will be voidable after one year upon the timely filing of a  
 5 motion by the parent to revoke the consent. I explained that if  
 6 this motion is filed before the filing of the petition for  
 7 adoption, the court shall revoke this specific consent. I have  
 8 fully explained that if the specified person or persons adopt  
 9 the child, by signing this consent this parent is irrevocably  
 10 and permanently relinquishing all parental rights to the child,  
 11 and this parent has stated that such is (her)(his) intention  
 12 and desire.

13 Dated (insert date).  
 14 .....  
 15 Signature

16 (5) If a consent to adoption by a specified person or  
 17 persons is executed in this form, the following provisions  
 18 shall apply. The consent shall be valid only if that specified  
 19 person or persons adopt the child. The consent shall be  
 20 voidable after one year if:

21 (a) the specified person or persons do not file a  
 22 petition to adopt the child within one year after the  
 23 consent is signed and the parent files a timely motion to  
 24 revoke this consent. If this motion is filed before the  
 25 filing of the petition for adoption the court shall revoke  
 26 this consent; or

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

2 (c) the Department of Children and Family Services  
3 Guardianship Administrator determines that the specified  
4 person or persons will not or cannot complete the adoption,  
5 or in the best interests of the child should not adopt the  
6 child.

7 Within 30 days of the consent becoming void, the Department  
8 of Children and Family Services Guardianship Administrator  
9 shall make good faith attempts to notify the parent in writing  
10 and shall give written notice to the court and all additional  
11 parties in writing that the adoption has not occurred or will  
12 not occur and that the consent is void. If the adoption by a  
13 specified person or persons does not occur, no proceeding for  
14 termination of parental rights shall be brought unless the  
15 biological parent who executed the consent to adoption by a  
16 specified person or persons has been notified of the proceeding  
17 pursuant to Section 7 of this Act or subsection (4) of Section  
18 2-13 of the Juvenile Court Act of 1987. The parent shall not  
19 need to take further action to revoke the consent if the  
20 specified adoption does not occur, notwithstanding the  
21 provisions of Section 11 of this Act.

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

25 (7) The Department shall collect and maintain data  
26 concerning the efficacy of specific consents. This data shall

1 include the number of specific consents executed and their  
2 outcomes, including but not limited to the number of children  
3 adopted pursuant to the consents, the number of children for  
4 whom adoptions are not completed, and the reason or reasons why  
5 the adoptions are not completed.

6 P. If the person signing a consent is incarcerated or  
7 detained in a correctional facility, prison, jail, detention  
8 center, or other comparable institution, either in this State  
9 or any other jurisdiction, the execution of such consent may be  
10 acknowledged before social service personnel of such  
11 institution, or before a person designated by a court of  
12 competent jurisdiction.

13 Q. A consent may be acknowledged telephonically, via  
14 audiovisual connection, or other electronic means, provided  
15 that a court of competent jurisdiction has entered an order  
16 approving the execution of the consent in such manner and has  
17 designated an individual to be physically present with the  
18 parent executing such consent in order to verify the identity  
19 of the parent.

20 R. An agency whose representative is acknowledging a  
21 consent pursuant to this Section shall be a public child  
22 welfare agency, or a child welfare agency, or a child placing  
23 agency that is authorized or licensed in the State or  
24 jurisdiction in which the consent is signed.

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

FINAL AND IRREVOCABLE

WAIVER OF PARENTAL RIGHTS OF PUTATIVE OR LEGAL FATHER

I, \_\_\_\_\_, state under oath or affirm as follows:

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

2. That I understand that the biological mother \_\_\_\_\_ intends to or has placed the child for adoption.

3. That I reside at \_\_\_\_\_, in the City/Town of \_\_\_\_\_, State of \_\_\_\_\_.

4. That I am \_\_\_\_\_ years of age and my date of birth is \_\_\_\_\_.

5. That I (select one):

\_\_\_\_\_ am married to the biological mother.

\_\_\_\_\_ am not married to the biological mother and have not been married to the biological mother within 300 days before the child's birth or expected date of child's birth.

\_\_\_\_\_ am not currently married to the biological mother, but was married to the biological mother,

1           within 300 days before the child's birth or expected  
2           date of child's birth.

3           6. That I (select one):

4           ..... neither admit nor deny that I am the  
5           biological father of the child.

6           ..... deny that I am the biological father of the  
7           child.

8           7. That I hereby agree to the termination of my  
9           parental rights, if any, without further notice to me of  
10           any proceeding for the adoption of the minor child, even if  
11           I have taken any action to establish parental rights or  
12           take any such action in the future including registering  
13           with any putative father registry.

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

17           9. That I understand that this Waiver is FINAL AND  
18           IRREVOCABLE and that I am permanently barred from  
19           contesting any proceeding for the adoption of the child  
20           after I sign this Waiver.

21           10. That I waive any further service of summons or  
22           other pleadings in any proceeding to terminate parental  
23           rights, if any to this child, or any proceeding for  
24           adoption of this child.

25           11. That I understand that if a final judgment or order  
26           of adoption for this child is not entered, then any

1 parental rights or responsibilities that I may have remain  
2 intact.

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

5 Dated: ....., .....

6 .....

7 Signature

8 OATH

9 I have been duly sworn and I state under oath that I have read  
10 and understood this Final and Irrevocable Waiver of Parental  
11 Rights of Putative or Legal Father. The facts contained in it  
12 are true and correct to the best of my knowledge. I have signed  
13 this document as my free and voluntary act in order to  
14 facilitate the adoption of the child.

15 .....

16 Signature

17 Signed and Sworn before me on

18 this ..... day

19 of ....., 20....

20 .....

21 Notary Public



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

2 (750 ILCS 50/11) (from Ch. 40, par. 1513)

3 Sec. 11. Consents, surrenders, waivers, irrevocability.

4 (a) A consent to adoption or standby adoption by a parent,  
5 including a minor, executed and acknowledged in accordance with  
6 the provisions of Section 10 ~~9~~ of this Act, or a surrender of a  
7 child by a parent, including a minor, to an agency for the  
8 purpose of adoption shall be irrevocable unless it shall have  
9 been obtained by fraud or duress on the part of the person  
10 before whom such consent, surrender, or other document  
11 equivalent to a surrender is acknowledged pursuant to the  
12 provisions of Section 10 of this Act or on the part of the  
13 adopting parents or their agents and a court of competent  
14 jurisdiction shall so find. No action to void or revoke a  
15 consent to or surrender for adoption, including an action based  
16 on fraud or duress, may be commenced after 12 months from the  
17 date the consent or surrender was executed. The consent or  
18 surrender of a parent who is a minor shall not be voidable  
19 because of such minority.

20 (a-1) A waiver signed by a putative or legal father,  
21 including a minor, executed and acknowledged in accordance with  
22 Section 10 of this Act, shall be irrevocable unless it shall  
23 have been obtained by fraud or duress on the part of the  
24 adopting parents or their agents and a court of competent  
25 jurisdiction shall so find. No action to void a waiver may be

1 commenced after 12 months from the date the waiver was  
 2 executed. The waiver of a putative or legal father who is a  
 3 minor shall not be voidable because of such minority.

4 (b) The petitioners in an adoption proceeding are entitled  
 5 to rely upon a sworn statement of the biological mother of the  
 6 child to be adopted identifying the father of her child. The  
 7 affidavit shall be conclusive evidence as to the biological  
 8 mother regarding the facts stated therein, and shall create a  
 9 rebuttable presumption of truth as to the biological father  
 10 only. Except as provided in Section 11 of this Act, the  
 11 biological mother of the child shall be permanently barred from  
 12 attacking the proceeding thereafter. The biological mother  
 13 shall execute such affidavit in writing and under oath. The  
 14 affidavit shall be executed by the biological mother before or  
 15 at the time of execution of the consent or surrender, and shall  
 16 be retained by the court and be a part of the Court's files.  
 17 The form of affidavit shall be substantially as follows:

18 AFFIDAVIT OF IDENTIFICATION

19 I, ....., the mother of a (male or female)  
 20 child, state under oath or affirm as follows:

21 (1) That the child was born, or is expected to be born, on  
 22 (insert date), at ....., in the State of  
 23 .....

24 (2) That I reside at ....., in the City or  
 25 Village of ....., State of .....

26 (3) That I am of the age of ..... years.

1 (4) That I acknowledge that I have been asked to identify  
2 the father of my child.

3 (5) (CHECK ONE)

4 .... I know and am identifying the biological father.

5 .... I do not know the identity of the biological father.

6 .... I am unwilling to identify the biological father.

7 (6A) If I know and am identifying the father:

8 That the name of the biological father is  
9 .....; his last known home address is  
10 .....; his last known work address is  
11 .....; and he is .... years of age; or he is  
12 deceased, having died on (insert date) at ....., in  
13 the State of .....

14 (6B) If I do not know the identity of the biological  
15 father:

16 I do not know who the biological father is; the following  
17 is an explanation of why I am unable to identify him:

18 .....  
19 .....  
20 .....

21 (6C) If I am unwilling to identify the biological father:

22 I do not wish to name the biological father of the child  
23 for the following reasons:

24 .....  
25 .....  
26 .....

1 (7) The physical description of the biological father is:

2 .....

3 .....

4 (8) I reaffirm that the information contained in paragraphs  
5 5, 6, and 7, inclusive, is true and correct.

6 (9) I have been informed and understand that if I am  
7 unwilling, refuse to identify, or misidentify the biological  
8 father of the child, absent fraud or duress, I am permanently  
9 barred from attacking the proceedings for the adoption of the  
10 child at any time after I sign a final and irrevocable consent  
11 to adoption or surrender for purposes of adoption.

12 (10) I have read this Affidavit and have had the  
13 opportunity to review and question it; it was explained to me  
14 by .....; and I am signing it as my free  
15 and voluntary act and understand the contents and the results  
16 of signing it.

17 Dated (insert date).

18 .....

19 Signature

20 Under penalties as provided by law under Section 1-109 of  
21 the Code of Civil Procedure, the undersigned certifies that the  
22 statements set forth in this Affidavit are true and correct.

23 .....

24 Signature

25 (Source: P.A. 91-357, eff. 7-29-99; 91-572, eff. 1-1-00.)

1           Section 99. Effective date. This Act takes effect upon  
2 becoming law.".