

AN ACT concerning children.

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

Section 5. The Child Care Act of 1969 is amended by changing Section 12 as follows:

(225 ILCS 10/12) (from Ch. 23, par. 2222)

Sec. 12. Advertisements.

(a) In this Section, "advertise" means communication by any public medium originating or distributed in this State, including, but not limited to, newspapers, periodicals, telephone book listings, outdoor advertising signs, radio, or television.

(b) A child care facility or child welfare agency licensed or operating under a permit issued by the Department may publish advertisements for the services that the facility is specifically licensed or issued a permit under this Act to provide. A person, group of persons, agency, association, organization, corporation, institution, center, or group who advertises or causes to be published any advertisement offering, soliciting, or promising to perform adoption services as defined in Section 2.24 of this Act is guilty of a Class A misdemeanor and shall be subject to a fine not to exceed \$10,000 or 9 months imprisonment for each advertisement,

unless that person, group of persons, agency, association, organization, corporation, institution, center, or group is (i) licensed or operating under a permit issued by the Department as a child care facility or child welfare agency, (ii) a biological parent or a prospective adoptive parent acting on his or her own behalf, or (iii) a licensed attorney advertising his or her availability to provide legal services relating to adoption, as permitted by law.

(c) Every advertisement published after the effective date of this amendatory Act of the 94th General Assembly shall include the Department-issued license number of the facility or agency.

(d) Any licensed child welfare agency providing adoption services that, after the effective date of this amendatory Act of the 94th General Assembly, causes to be published an advertisement containing reckless or intentional misrepresentations concerning adoption services or circumstances material to the placement of a child for adoption is guilty of a Class A misdemeanor and is subject to a fine not to exceed \$10,000 or 9 months imprisonment for each advertisement.

(e) An out-of-state agency that is not licensed in Illinois and that has a written interagency agreement with one or more Illinois licensed child welfare agencies may advertise under this Section, provided that (i) the out-of-state agency must be officially recognized by the United States Internal Revenue

Service as a tax-exempt organization under 501(c)(3) of the Internal Revenue Code of 1986 (or any successor provision of federal tax law), (ii) the out-of-state agency provides only international adoption services and is covered by the Inter-country Adoption Act of 2000, (iii) the out-of-state agency displays, in the advertisement, the license number of at least one of the Illinois licensed child welfare agencies with which it has a written agreement, and (iv) the advertisements pertain only to international adoption services. Subsection (d) of this Section shall apply to any out-of-state agencies described in this subsection (e).

(f) An advertiser, publisher, or broadcaster, including, but not limited to, newspapers, periodicals, telephone book publishers, outdoor advertising signs, radio stations, or television stations, who knowingly or recklessly advertises or publishes any advertisement offering, soliciting, or promising to perform adoption services, as defined in Section 2.24 of this Act, on behalf of a person, group of persons, agency, association, organization, corporation, institution, center, or group, not authorized to advertise under subsection (b) or subsection (e) of this Section, is guilty of a Class A misdemeanor and is subject to a fine not to exceed \$10,000 or 9 months imprisonment for each advertisement.

(g) The Department shall maintain a website listing child welfare agencies licensed by the Department that provide adoption services and other general information for biological

parents and adoptive parents. The website shall include, but not be limited to, agency addresses, phone numbers, e-mail addresses, website addresses, annual reports as referenced in Section 7.6 of this Act, agency license numbers, the Birth Parent Bill of Rights, the Adoptive Parents Bill of Rights, and the Department's complaint registry established under Section 9.1a of this Act. The Department shall adopt any rules necessary to implement this Section.

(h) Nothing in this Act shall prohibit a day care agency, day care center, day care home, or group day care home that does not provide or perform adoption services, as defined in Section 2.24 of this Act, from advertising or marketing the day care agency, day care center, day care home, or group day care home.

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

Section 10. The Abused and Neglected Child Reporting Act is amended by adding Section 7.4a as follows:

(325 ILCS 5/7.4a new)

Sec. 7.4a. Domestic violence co-location program.

(a) As used in this Section:

"Domestic violence co-location program" means a program, administered in partnership with a co-location program management entity, where domestic violence advocates who are trained in domestic violence services and employed through a

domestic violence provider are assigned to work in a field office of the Department of Children and Family Services alongside and in collaboration with child welfare investigators and caseworkers working with families where there are indicators of domestic violence.

"Domestic violence" has the meaning ascribed to it in the Illinois Domestic Violence Act of 1986.

"Co-location program management entity" means the organization that partners with the Department to administer the domestic violence co-location program.

(b) Subject to appropriations or the availability of other funds for this purpose, the Department may implement a 5-year pilot program of a domestic violence co-location program. The domestic violence co-location program shall be designed to improve child welfare interventions provided to families experiencing domestic violence in part by enhancing the safety and stability of children, reducing the number of children removed from their parents, and improving outcomes for children within their families through a strength-based and trauma-informed collaborative support program. The pilot program shall occur in no fewer than 3 Department offices. Additional sites may be added during the pilot program, and the pilot program may be expanded and converted into a permanent statewide program.

(c) The Department shall adopt rules and procedures and shall develop and facilitate training for the effective

implementation of the domestic violence co-location program. The Department shall adopt rules on the qualification requirements for domestic violence advocates participating in the pilot program.

(d) The Department shall track, collect, report on, and share data about domestic violence-affected families, including, but not limited to, data related to hotline calls, investigations, protective custody, cases referred to the juvenile court, and outcomes of the domestic violence co-location program.

(e) The Department may arrange for an independent, evidence-based evaluation of the domestic violence co-location program authorized and implemented under this Section to determine whether it is meeting its goals. The independent evidence-based evaluation may include, but is not limited to, data regarding: (i) the number of children removed from their parents; (ii) the number of children who remain with the non-offending parent; (iii) the number of indicated and unfounded investigative findings and corresponding allegations of maltreatment for the non-offending parent and domestic violence perpetrator; (iv) the number of referrals to the co-located domestic violence advocates; (v) the number of referrals for services; and (vi) the number of months that children remained in foster care whose cases involved the co-located domestic violence advocate.

(f) Following the expiration of the 5-year pilot program or

prior to the expiration of the pilot program, if there is evidence that the pilot program is effective, the domestic violence co-location program may expand into each county, investigative office of the Department of Children and Family Services, or purchase of service or other contracted private agency delivering intact family or foster care services in Illinois.

(g) Nothing in this Section shall be construed to breach the confidentiality protections provided under State law to domestic violence professionals, including co-located domestic violence advocates, in the provision of services to domestic violence victims as employees of domestic violence agencies or to any individual who receives services from domestic violence agencies.

Section 15. If and only if House Bill 1785 of the 100th General Assembly becomes law, then the Vital Records Act is amended by changing Section 17 as follows:

(410 ILCS 535/17) (from Ch. 111 1/2, par. 73-17)

Sec. 17. (1) For a person born in this State, the State Registrar of Vital Records shall establish a new certificate of birth when he receives any of the following:

(a) A certificate of adoption as provided in Section 16 or a certified copy of the order of adoption together with the information necessary to identify the original

certificate of birth and to establish the new certificate of birth; except that a new certificate of birth shall not be established if so requested by the court ordering the adoption, the adoptive parents, or the adopted person.

(b) A certificate of adoption or a certified copy of the order of adoption entered in a court of competent jurisdiction of any other state or country declaring adopted a child born in the State of Illinois, together with the information necessary to identify the original certificate of birth and to establish the new certificate of birth; except that a new certificate of birth shall not be established if so requested by the court ordering the adoption, the adoptive parents, or the adopted person.

(c) A request that a new certificate be established and such evidence as required by regulation proving that such person has been legitimized, or that the circuit court, the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid), or a court or administrative agency of any other state has established the paternity of such a person by judicial or administrative processes or by voluntary acknowledgment, which is accompanied by the social security numbers of all persons determined and presumed to be the parents.

(d) A declaration by a licensed health care professional or licensed mental health professional who has treated or evaluated a person stating that the person

has undergone treatment that is clinically appropriate for that individual for the purpose of gender transition, based on contemporary medical standards, or that the individual has an intersex condition, and that the sex designation on such person's birth record should therefore be changed. The information in the declaration shall be proved by the licensed health care professional or licensed mental health professional signing and dating it in substantially the following form: "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date)". The new certificate of birth shall reflect any legal name change, so long as the appropriate documentation of the name change is submitted.

Each request for a new certificate of birth shall be accompanied by a fee of \$15 and entitles the applicant to one certification or certified copy of the new certificate. If the request is for additional copies, it shall be accompanied by a fee of \$2 for each additional certification or certified copy.

(2) When a new certificate of birth is established, the actual place and date of birth shall be shown; provided, in the case of adoption of a person born in this State by parents who were residents of this State at the time of the birth of the adopted person, the place of birth may be shown as the place of residence of the adoptive parents at the time of such person's birth, if specifically requested by them, and any new certificate of birth established prior to the effective date of

this amendatory Act may be corrected accordingly if so requested by the adoptive parents or the adopted person when of legal age. The social security numbers of the parents shall not be recorded on the certificate of birth. The social security numbers may only be used for purposes allowed under federal law. The new certificate shall be substituted for the original certificate of birth:

(a) Thereafter, the original certificate and the evidence of ~~adoption~~, paternity, legitimation, or change of sex designation shall not be subject to inspection or certification except upon order of the circuit court, request of the person named on the certificate of birth, or as provided by regulation. If the new certificate was issued subsequent to an adoption, then the evidence of adoption is not subject to inspection or certification except upon order of the circuit court or as provided by rule, and the original certificate shall not be subject to inspection until the adopted person has reached the age of 21; thereafter, the original certificate shall be made available as provided by Section 18.1b of the Adoption Act, and nothing in this subsection shall impede or prohibit access to the original birth certificate under Section 18.1b of the Adoption Act.

(b) Upon receipt of notice of annulment of adoption, the original certificate of birth shall be restored to its place in the files, and the new certificate and evidence

shall not be subject to inspection or certification except upon order of the circuit court.

(3) If no certificate of birth is on file for the person for whom a new certificate is to be established under this Section, a delayed record of birth shall be filed with the State Registrar of Vital Records as provided in Section 14 or Section 15 of this Act before a new certificate of birth is established, except that when the date and place of birth and parentage have been established in the adoption proceedings, a delayed record shall not be required.

(4) When a new certificate of birth is established by the State Registrar of Vital Records, all copies of the original certificate of birth in the custody of any custodian of permanent local records in this State shall be transmitted to the State Registrar of Vital Records as directed, and shall be sealed from inspection except as provided by Section 18.1b of the Adoption Act.

(5) Nothing in this Section shall be construed to prohibit the amendment of a birth certificate in accordance with subsection (6) of Section 22.

(Source: P.A. 97-110, eff. 7-14-11; 100HB1785eng.)

Section 99. Effective date. This Act takes effect January 1, 2018, except that Section 15 takes effect upon becoming law or on the date House Bill 1785 of the 100th General Assembly takes effect, whichever is later.