**Section 309.60 Legal Risk Placements**

a) Legal risk placements are selected for children for whom the Department deems such placements are appropriate as described in this Section. Prior to making a legal risk placement, the Department shall conduct a legal screening in accordance with Section 309.80 to determine whether a legal risk placement is in the child's best interests. Legal risk placements may be appropriate, when pursuit of adoption is in the child's best interests, because:

1) any one of the circumstances listed in Section 309.50(b) is present; and

2) placement in a prospective adoptive home willing to adopt the child if the child should become legally free will reduce the necessity of multiple placements of the child or eliminate the length of time the child must wait for an adoptive home; and

3) any one of the following conditions exists:

A) one parent has surrendered parental rights and the identity of the other parent is unknown;

B) one parent has surrendered parental rights and a diligent search for the absent parent has been unsuccessful;

C) one parent has surrendered parental rights and the identity and whereabouts of the other parent is known and that parent has either made statements indicating a desire to surrender the child or grounds for termination of parental rights exist;

D) the identity and whereabouts of the parents are unknown;

E) termination of parental rights is under judicial appeal;

F) the child comes from a family in which other siblings have been freed for adoption and there is a strong indication that this child will also become free for adoption;

G) the court having jurisdiction over the child formally or informally requires that the child be placed with a potential adoptive family prior to considering a petition for involuntary termination of parental rights; or

H) the child is currently in a substitute care placement where the foster parents are not seeking to adopt and the State's Attorney has agreed to proceed with a petition to terminate parental rights.

b) Prior to placing a child in a legal risk placement, the Department shall inform prospective adoptive parents of the risks and enter into a written agreement with the prospective adoptive parents which:

1) informs the prospective adoptive parents:

A) that the child is not yet legally free for adoption and may never be available for adoption;

B) of the residual parental rights retained by the biological parents until the child is free for adoption, unless termination of parental rights is under appeal. Such residual rights, as defined by the Juvenile Court Act of 1987, include *the right to reasonable visitation, the right to consent to adoption, the right to determine the child's religious affiliation, and the responsibility for the child's support* [705 ILCS 405/1-3];

C) of the possibility of the biological parents regaining custody of the child;

D) of the current status of efforts to terminate parental rights; and

E) of the status of a diligent search for missing parents, if applicable;

2) states the intent of the prospective adoptive parents to adopt the child and the intent of the Department to seek adoption as a goal for the child if parental rights are terminated;

3) contains the prospective adoptive parents agreement to cooperate with a new permanency plan for the child if termination of parental rights is not achieved.

c) The Department will provide any necessary financial, medical and supportive counseling and services before, during, and after placement of the child in the prospective adoptive parents' home unless:

1) the prospective adoptive parents refuse such assistance; or

2) the supportive couseling and services are unnecessary to the placement of the child; or

3) the child becomes free for adoption and the child will not be eligible for adoption assistance after the adoption is finalized.