**Section 401.510 Disclosures**

a) Information disclosed in accordance with this Subpart shall be subject to the confidentiality requirements of the Child Care Act of 1969 and the Adoption Act.

b) *A child welfare agency providing adoption services shall provide to all prospective clients, including biological parents and adoptive parents, and to the public, the following written disclosures, which shall be posted on the agency's website when there is one:*

1) *Adoption services provided;*

2) *Policy and practices;*

3) *General eligibility criteria;*

4)A general description of *fees; and*

5) *The mutual rights and responsibilities of clients, including* biological parents and adoptive parents.

c) *Agencies providing adoption services shall provide to all potential clients prior to application a written schedule of:*

1) Estimated fees, charges and costs the family will incur in the adoption process; and

2) *Refund policies.*

d) *These written policies shall be part of the standard adoption contract unless additional fees are reasonably required by the circumstances and are disclosed to the adoptive parents or parent before they are incurred.* [225 ILCS 10/7.4(b)]

e) *An eligible adoption agency*, accredited by the Council on Accreditation (COA), *may be deemed compliant with subsections* (b), (c) and (d) of this Section. *This presumption of compliance may be rebutted by the Department with substantiated evidence to the contrary. The Department may require periodic certification of COA accreditation from the agency.*  [225 ILCS 10/2.27 and 7.4(b)]

f) *Every agency providing adoption services shall make full and fair disclosure to its clients, including biological parents and adoptive parents, of all circumstances material to the placement of a child for adoption.* [225 ILCS 10/7.4(c)]

g) Contents of the written disclosure policy shall include:

1) Biological parents' rights and responsibilities.

A) Agencies and other resources that are serving biological parents who are making an adoption plan shall provide the biological parents, in their preferred language, with a written explanation of their rights and responsibilities.

B) The biological parents' rights and responsibilities document shall be prepared by the Department and shall be part of the standard forms that adoption agency staff review with the biological parents before the biological parents sign them.

C) A signed and witnessed copy of the biological parents' rights and responsibilities document shall be kept and maintained in the agency file, and another given to the biological parents.

2) Information that is shared with the biological parents shall include when known:

A) Age of the adoptive parents;

B) The race, religion, and ethnic background of the adoptive parents;

C) The general physical appearance of the adoptive parents;

D) The education, occupation, hobbies, interests and talents of the adoptive parents;

E) The existence of any other children born to or adopted by the adoptive parents;

F) Any information that the adoptive family wishes to include in its Dear Birth Parent letter (which some agencies use).

3) Adoptive parents' rights and responsibilities shall include:

A) Agencies and other resources that are serving adoptive parents shall provide the adoptive parents with a written explanation of their rights and responsibilities.

B) The adoptive parents' rights and responsibilities document shall be prepared by the Department and shall be part of the standard forms that adoption agency staff review with the adoptive parents before the adoptive parents sign them.

C) A signed and witnessed copy of the adoptive parents' rights and responsibilities shall be kept in the agency files and another given to the adoptive parents.

D) Adoption agencies shall provide the adoptive family with all non-identifying information about the child that has been verified as accurate, whenever possible. If it is not possible to verify the accuracy of the information provided to the adoptive parents, the agency may provide the information to the adoptive family, but shall note that the information has not been verified.

E) Notwithstanding any other provision of this Part to the contrary, the medical and mental health histories of a child legally freed for adoption and of the birth parents, with information identifying the birth parents redacted, shall be provided by an agency to the child's prospective adoptive parent and shall be provided upon request from an adoptive parent when a child has been adopted. The medical and mental health histories shall include all of the following available information.

i) Conditions or diseases believed to be hereditary;

ii) Drugs or medications taken by the child's mother during pregnancy;

iii) Psychological and psychiatric information; and

iv) Any other information that may be a factor influencing the child's present or future health.

4) The agency shall provide, in writing, the following non-identifying information, if known to the adoptive parents, not later than the day of placement with the petitioning adoptive parents:

A) The age of biological parents;

B) The race, religion, and ethnic background of the biological parents;

C) The general physical appearance of biological parents;

D) The education, occupation, hobbies, interests and talents of the biological parents;

E) The existence of any other children born to the biological parents;

F) Information about biological grandparents, reason for emigrating into the United States, if applicable, and country of origin;

G) The relationship between biological parents;

H) Detailed medical and mental health histories of the child, biological parents, and their immediate relatives; and

I) The actual date and place of birth of the adopted person.

5) No information provided under this subsection (g) shall disclose the name or last known address of biological parents, grandparents, siblings of the biological parents, adopted person, or any other relative of the adopted person.

6) The adoptive family shall also be informed about the Illinois Adoption Registry.

7) The adoptive family shall also be informed of the results of their home study and post-adoption reports.

h) Minimum standards for witnessing Final and Irrevocable Surrenders for Purpose of Adoption shall include:

1) Child welfare agencies witnessing biological parents' surrender of parental rights shall require the biological parents to participate in at least one counseling session in person.

A) The counseling session shall take place at least 24 hours before the signing of the documents. If this is not possible, the agency shall document the reason in the biological parent's file.

B) The counseling session should include both biological parents when possible. If one biological parent does not attend the session, his or her absence shall be noted in the agency file.

C) The agency shall review the key issues regarding surrenders with the biological parents prior to taking the surrender.

2) A counseling session summary shall be included in every biological parent's file.

3) The counseling session must be conducted by a counselor with a minimum of a Bachelor's degree who has knowledge of the issues relevant to the surrendering of one's parental rights. The counselor may be an authorized representative of an adoption agency, either employed by or contracted by the agency, who does counseling or a counselor not associated with an agency, such as a licensed social worker, licensed counselor or other mental health professional.

i) Information to be Shared with an Adoptive Foster Parent

1) A licensed child welfare agency placing a child in a licensed foster family home for adoption shall provide the prospective adoptive parent with:

A) Available detailed information concerning the child's educational and health history, copies of immunization records (including insurance and medical card information), a history of the child's previous placements, if any, and reasons for placement changes, excluding any information that identifies or reveals the location of any previous caretaker.

B) A copy of the child's portion of the client service plan, including any visitation arrangement, and all amendments or revisions to it related to the child.

C) Information containing details of the child's individualized educational plan when the child is receiving special education services.

D) Any known social or behavioral information (including, but not limited to, criminal background, fire setting, perpetration of sexual abuse, destructive behavior and substance abuse) necessary to care for and safeguard the child.

2) The agency may prepare a written summary of the information required by this subsection (i) that may be provided to the foster or prospective adoptive parent in advance of a placement. The foster or prospective adoptive parent may review the supporting documents in the child's file in the presence of casework staff. In the case of an emergency placement, casework staff shall at least provide information verbally and must subsequently provide the information in writing, as required, within 10 days. In the case of emergency placements, when time does not allow prior review, preparation and collection of written information, the agency shall provide that information in writing as it becomes available.

3) An adoption agency receiving a request from a confidential intermediary for the full name, date of birth, last known address, or last known telephone number of a sought-after relative pursuant to Section 18.3(g) of the Adoption Act [750 ILCS 50/18.3(g)], or for medical information on behalf of the adopted or surrendered person who would like the information about himself or herself, must satisfactorily comply with this request within a period of 45 days. Agencies are subject to significant civil financial penalties if compliance is not timely.

4) Following the issuance of a court order finding that the adoption agency has not complied with Section 18.3 of the Adoption Act, the adoption agency may be subject to a monetary penalty for each subsequent day of non-compliance. Any reimbursements and fines, notwithstanding any reimbursement directly to the petitioner, paid under this subsection (i)(7) are in addition to other remedies a court may otherwise impose by law. Proceeds from the penalties paid to the Department of Children and Family Services shall be deposited into the DCFS Children's Services Fund. The Department of Children and Family Services shall submit reports to the Confidential Intermediary Advisory Council by July 1 and January 1 of each year in order to report the penalties assessed and collected under this subsection (i)(7), the amounts of related deposits into the DCFS Children's Services Fund, and any expenditures from those deposits.

(Source: Amended at 36 Ill. Reg. 2157, effective January 30, 2012)