**Section 401.600 Advertisement**

a) *No person, group of persons, agency, association, organization, corporation, institution, center, or group may advertise or cause to be published any advertisement offering, soliciting, or promising to perform adoption services as defined in* Section 401.40 of this Part, *unless the agency is licensed or operating under a permit issued by the Department as a child care facility or child welfare agency.*

b) *Violators of* subsection (a) of this Section *are 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:*

1) *Licensed or operating under a permit issued by the Department as a child care facility or child welfare agency; or*

2)An exception to subsection (a) is *a biological parent or a prospective adoptive parent acting on his or her own behalf, or a licensed attorney advertising his or her availability to provide legal services relating to adoption, as permitted by law.*

c) *Every advertisement published after August 15, 2005 shall include the Department's issued license number of the facility or agency.*

d) *Any licensed child welfare agency providing adoption services that, after August 15, 2005, 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 shall be 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:*

1) *The out-of-state agency is officially recognized by the United States Internal Revenue Service as a tax-exempt organization under section 501(c)(3) of the Internal Revenue Code of 1986 (or any successor provision of federal tax law);*

2) *The out-of-state agency provides only international adoption services and is covered by the* international adoption services and the *Intercountry Adoption Act of 2000* (42 USC 14901 et seq.)*;*

3) *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*

4) *The advertisements pertain only to international adoption services.*

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 on behalf of a person, group of persons, agency, association, organization, corporation, institution, center, or group, not authorized to advertise under subsection (a) or (d) 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:*

1) *Adoption agency license numbers, addresses, phone numbers, e-mail addresses and website addresses;*

2) *Annual reports* as referenced in Section 401.530 of this Part;

3) *The Birth Parents Bill of Rights and the Adoptive Parents Bill of Rights; and*

4) *The Department's* agency adoption and information *complaint registry toll-free number.* [225 ILCS 10/12]

(Source: Added at 30 Ill. Reg. 2699, effective February 27, 2006)