



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB5972

by Rep. Joe Sosnowski

#### SYNOPSIS AS INTRODUCED:

750 ILCS 50/9.1 new  
750 ILCS 50/20b

Amends the Adoption Act. Provides that a final order of adoption shall not be overturned by the court for any reason other than fraud on the part of the party adopting the child. Provides that if consent to adoption has been given by the Department of Children and Family Services and the Department seeks to withdraw or revoke its consent to adoption, it must, within 60 days after the date of the filing of the adoption petition containing the consent, file a petition asking the court to revoke the Department's consent and dismiss the adoption petition. Provides that within 30 days after filing the petition, the Department shall make a formal report to the court explaining it is seeking to withdraw or revoke consent. Provides that if the Department does not file the report within 30 days, the court shall dismiss the Department's petition. Provides that after an order of adoption by the court becomes final, the Department shall be fully bound by the order and may not later challenge the validity of the adoption proceedings, but shall be fully bound by the order. Provides that if the Department withdraws or revokes a consent to adoption or appeals a finalized order of adoption, the court shall order the Department to reimburse the prospective adoptive parents and other interested parties for all adoption expenses, including, but not limited to, all medical fees and costs and all legal fees and costs. Provides that the Department is barred from filing a motion or petition to vacate a final order of adoption or revoke consent to an adoption.

LRB100 23171 HEP 42401 b

1 AN ACT concerning civil law.

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

4 Section 5. The Adoption Act is amended by changing Section  
5 20b and by adding Section 9.1 as follows:

6 (750 ILCS 50/9.1 new)

7 Sec. 9.1. Revocation of consent by the Department.

8 (a) If consent to adoption has been given by the Department  
9 and the Department seeks to withdraw or revoke its consent to  
10 adoption, it must, within 60 days after the date of the filing  
11 of the adoption petition containing the consent, file a  
12 petition asking the court to revoke the Department's consent  
13 and dismiss the adoption petition. Within 30 days after filing  
14 the petition, the Department shall make a formal report to the  
15 court explaining it is seeking to withdraw or revoke consent.  
16 The court shall rule upon the petition promptly upon receipt of  
17 the report.

18 (b) After an order of adoption by the court becomes final,  
19 the Department shall be fully bound by the order and may not  
20 later challenge the validity of the adoption proceedings, but  
21 shall be fully bound by the order.

22 (c) If the Department withdraws or revokes a consent to  
23 adoption or appeals an order of adoption, the court shall order

1 the Department to reimburse the adoptive parents and other  
2 interested parties for all adoption expenses, including, but  
3 not limited to, all medical fees and costs and all legal fees  
4 and costs. The court shall determine the amount of the  
5 reimbursement owing and shall enter the same as a money  
6 judgment in favor of the adoptive parents or other interested  
7 party.

8 (750 ILCS 50/20b)

9 Sec. 20b. Time limit for relief from final judgment or  
10 order; Department barred from filing for relief.

11 (a) A petition for relief from a final order or judgment  
12 entered in a proceeding under this Act, after 30 days from the  
13 entry thereof under the provisions of Sec. 2-1401 of the Code  
14 of Civil Procedure or otherwise, must be filed not later than  
15 one year after the entry of the order or judgment. A final  
16 order of adoption shall not be overturned by the court for any  
17 reason other than fraud on the part of the party adopting the  
18 child.

19 (b) The Department is barred from filing a motion or  
20 petition to vacate a final order of adoption or revoke consent  
21 to an adoption.

22 (Source: P.A. 88-550, eff. 7-3-94; 89-315, eff. 1-1-96.)