

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 18.08 as follows:

6 (750 ILCS 50/18.08)

7 Sec. 18.08. Adoption Registry-Confidential Intermediary
8 Advisory Council.

9 (a) There shall be established under the Department of
10 Public Health and the Department of Children and Family
11 Services the Adoption Registry-Confidential Intermediary
12 Advisory Council. The Council shall include:

13 (1) the Director of the Department of Public Health, or
14 his or her designee, who shall serve as the co-chairperson
15 of the Council;

16 (2) the Director of the Department of Children and
17 Family Services, or his or her designee, who shall serve as
18 the co-chairperson of the Council;

19 (3) an attorney representing the Attorney General's
20 Office appointed by the Attorney General;

21 (4) a currently certified confidential intermediary
22 appointed by the Director of the Department of Children and
23 Family Services;

1 (5) one representative from each of the following
2 organizations appointed by the Director of the Department
3 of Public Health: Adoption Advocates of America, Adoptive
4 Families Today, Catholic Conference of Illinois, Chicago
5 Area Families for Adoption, Chicago Bar Association, Child
6 Care Association of Illinois, Children's Home and Aid
7 Society of Illinois, Child Welfare Advisory Council, The
8 Cradle, Healing Hearts, Illinois Foster Parents
9 Association, Illinois State Bar Association, Illinois
10 State Medical Society, Jewish Child & Family Services
11 ~~Jewish Children's Bureau~~, LDS Social Services, Lutheran
12 Social Services of Illinois, Maryville Academy, Midwest
13 Adoption Center, St. Mary's Services, Stars of David,
14 Truthseekers in Adoption, and White Oak Foundation;

15 (6) 5 additional members appointed by the Director of
16 the Department of Children and Family Services who shall,
17 when making those appointments, consider advocates for
18 adopted persons, adoptive parents, or birth parents,
19 lawyers who represent clients in private adoptions,
20 lawyers specializing in privacy law, and representatives
21 of agencies involved in adoptions;

22 (7) an attorney from the Department of Children and
23 Family Services, who shall serve as an ex-officio,
24 non-voting advisor to the Council; and

25 (8) the person directly responsible for administering
26 the confidential intermediary program, who shall serve as

1 an ex-officio, non-voting advisor to the Council.

2 (b) If any one of the named organizations in item (5) of
3 subsection (a) notifies the Director of the Department of
4 Public Health or the Director of the Department of Children and
5 Family Services in writing that the organization does not wish
6 to participate on the Adoption Registry-Confidential
7 Intermediary Advisory Council or that the organization is no
8 longer functioning, the Directors may designate another
9 organization that represents the same constituency as the named
10 organization to replace the named organization on the Council.

11 (c) Council members shall receive no compensation for their
12 service. The Council shall meet no less often than once every 6
13 months and shall meet as the Director of the Department of
14 Public Health or the Director of the Department of Children and
15 Family Services deems necessary. The Council shall have only an
16 advisory role to the Directors and may make recommendations to
17 the pertinent Department regarding the development of rules,
18 procedures, and forms that will promote the efficient and
19 effective operation of (i) the Illinois Adoption Registry, (ii)
20 the Office of Vital Records as it pertains to the Registry and
21 to access to the non-certified copy of the original birth
22 certificate, and (iii) the Confidential Intermediary Program
23 in Illinois. The Council will also serve in an advisory
24 capacity regarding the effective delivery of adult
25 post-adoption services in Illinois, including:

26 (1) advising the Department of Public Health on the

1 development of rules, procedures, and forms utilized by the
2 Illinois Adoption Registry and Medical Information
3 Exchange;

4 (2) making recommendations regarding the procedures,
5 tools, and technology that will promote efficient and
6 effective operation of the Registry;

7 (3) assisting the Department of Public Health with the
8 development, publication, and circulation of an
9 informational pamphlet that describes the purpose,
10 function, and mechanics of the Illinois Adoption Registry
11 and Medical Information Exchange, including information
12 about who is eligible to register and how to register;
13 information about the questions and concerns that
14 registrants may develop when they register or when they
15 receive information from the Registry; and a list of
16 services, programs, groups, and informational websites
17 that are available to assist registrants with their
18 questions and concerns;

19 (4) collecting, compiling, and reviewing statistical
20 data and empirical information concerning the procedures
21 in the Registry including, but not limited to, data
22 concerning the filing of Denials of Information Exchange,
23 Information Exchange Authorizations, Requests for a
24 Non-Certified Copy of an Original Birth Certificate, and
25 Birth Parent Preference Forms;

26 (5) making recommendations to the Director of the

1 Department of Children and Family Services regarding the
2 standards for certification for confidential
3 intermediaries;

4 (6) making recommendations to the Director of the
5 Department of Children and Family Services concerning
6 oversight methods used to verify that intermediaries are
7 complying with the appropriate laws;

8 (7) assisting the Department of Children and Family
9 Services with training for confidential intermediaries,
10 including training with respect to federal and State
11 privacy laws;

12 (8) reviewing the relationship between confidential
13 intermediaries and the court system and making
14 recommendations to the Director of the Department of
15 Children and Family Services concerning sample orders that
16 define the scope of the intermediaries' access to
17 information;

18 (9) considering any recent violations of policy or
19 procedures by confidential intermediaries and remedial
20 steps, including decertification, which might be
21 recommended to the Director of the Department of Children
22 and Family Services so as to prevent future violations; and

23 (10) reviewing reports from the Department of Children
24 and Family Services submitted by July 1 and January 1 of
25 each year in order detailing the penalties assessed and
26 collected, the amounts of related deposits into the DCFS

1 Children's Services Fund, and any expenditures from such
2 deposits.

3 (d) Within 45 days after the effective date of this
4 amendatory Act of the 97th General Assembly, both the Adoption
5 Registry Advisory Council and the Confidential Intermediary
6 Council shall, notwithstanding any other provision of this Act,
7 turn over the Council's records to the Adoption
8 Registry-Confidential Intermediary Advisory Council and cease
9 to function.

10 (Source: P.A. 97-1063, eff. 1-1-13; 98-704, eff. 1-1-15.)