



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB3587

by Rep. Sara Feigenholtz

#### SYNOPSIS AS INTRODUCED:

750 ILCS 50/1  
750 ILCS 50/18.9

from Ch. 40, par. 1501

Amends the Adoption Act. Changes the definition of "post-placement and post-adoption support services". Provides that the Department of Children and Family Services shall establish and maintain a toll-free number to respond to requests from the public about its post-placement and post-adoption support services. Provides that the Department shall provide information about post-placement and post-adoption support services to prospective adoptive parents and guardians as part of its adoption and guardianship training. Provides that the Department shall include specific information in its annual notification letter. Provides that the Department shall review and update annually all information relating to its post-placement and post-adoption support services. Provides that beginning one year after the effective date of the Act (instead of 1 year after the effective date of Public Act 99-49), the Department shall report annually to the General Assembly regarding specified information. To the reporting requirements, adds: the number of guardians, prospective adoptive parents, and adoptive families in this State who have received the Department's post-placement and post-adoption support services and the types of services provided and for each, the length of time between their initial contact to the Department to request post-placement and post-adoption support services and their first receipt of services, the type of services received, and a description of the coordination between the Department and the Department of Healthcare and Family Services to develop resources.

LRB101 11082 LNS 56291 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 Sections  
5 1 and 18.9 as follows:

6 (750 ILCS 50/1) (from Ch. 40, par. 1501)

7 Sec. 1. Definitions. When used in this Act, unless the  
8 context otherwise requires:

9 A. "Child" means a person under legal age subject to  
10 adoption under this Act.

11 B. "Related child" means a child subject to adoption where  
12 either or both of the adopting parents stands in any of the  
13 following relationships to the child by blood, marriage,  
14 adoption, or civil union: parent, grand-parent,  
15 great-grandparent, brother, sister, step-parent,  
16 step-grandparent, step-brother, step-sister, uncle, aunt,  
17 great-uncle, great-aunt, first cousin, or second cousin. A  
18 person is related to the child as a first cousin or second  
19 cousin if they are both related to the same ancestor as either  
20 grandchild or great-grandchild. A child whose parent has  
21 executed a consent to adoption, a surrender, or a waiver  
22 pursuant to Section 10 of this Act or whose parent has signed a  
23 denial of paternity pursuant to Section 12 of the Vital Records

1 Act or Section 12a of this Act, or whose parent has had his or  
2 her parental rights terminated, is not a related child to that  
3 person, unless (1) the consent is determined to be void or is  
4 void pursuant to subsection O of Section 10 of this Act; or (2)  
5 the parent of the child executed a consent to adoption by a  
6 specified person or persons pursuant to subsection A-1 of  
7 Section 10 of this Act and a court of competent jurisdiction  
8 finds that such consent is void; or (3) the order terminating  
9 the parental rights of the parent is vacated by a court of  
10 competent jurisdiction.

11 C. "Agency" for the purpose of this Act means a public  
12 child welfare agency or a licensed child welfare agency.

13 D. "Unfit person" means any person whom the court shall  
14 find to be unfit to have a child, without regard to the  
15 likelihood that the child will be placed for adoption. The  
16 grounds of unfitness are any one or more of the following,  
17 except that a person shall not be considered an unfit person  
18 for the sole reason that the person has relinquished a child in  
19 accordance with the Abandoned Newborn Infant Protection Act:

20 (a) Abandonment of the child.

21 (a-1) Abandonment of a newborn infant in a hospital.

22 (a-2) Abandonment of a newborn infant in any setting  
23 where the evidence suggests that the parent intended to  
24 relinquish his or her parental rights.

25 (b) Failure to maintain a reasonable degree of  
26 interest, concern or responsibility as to the child's

1 welfare.

2 (c) Desertion of the child for more than 3 months next  
3 preceding the commencement of the Adoption proceeding.

4 (d) Substantial neglect of the child if continuous or  
5 repeated.

6 (d-1) Substantial neglect, if continuous or repeated,  
7 of any child residing in the household which resulted in  
8 the death of that child.

9 (e) Extreme or repeated cruelty to the child.

10 (f) There is a rebuttable presumption, which can be  
11 overcome only by clear and convincing evidence, that a  
12 parent is unfit if:

13 (1) Two or more findings of physical abuse have  
14 been entered regarding any children under Section 2-21  
15 of the Juvenile Court Act of 1987, the most recent of  
16 which was determined by the juvenile court hearing the  
17 matter to be supported by clear and convincing  
18 evidence; or

19 (2) The parent has been convicted or found not  
20 guilty by reason of insanity and the conviction or  
21 finding resulted from the death of any child by  
22 physical abuse; or

23 (3) There is a finding of physical child abuse  
24 resulting from the death of any child under Section  
25 2-21 of the Juvenile Court Act of 1987.

26 No conviction or finding of delinquency pursuant to

1 Article V of the Juvenile Court Act of 1987 shall be  
2 considered a criminal conviction for the purpose of  
3 applying any presumption under this item (f).

4 (g) Failure to protect the child from conditions within  
5 his environment injurious to the child's welfare.

6 (h) Other neglect of, or misconduct toward the child;  
7 provided that in making a finding of unfitness the court  
8 hearing the adoption proceeding shall not be bound by any  
9 previous finding, order or judgment affecting or  
10 determining the rights of the parents toward the child  
11 sought to be adopted in any other proceeding except such  
12 proceedings terminating parental rights as shall be had  
13 under either this Act, the Juvenile Court Act or the  
14 Juvenile Court Act of 1987.

15 (i) Depravity. Conviction of any one of the following  
16 crimes shall create a presumption that a parent is deprived  
17 which can be overcome only by clear and convincing  
18 evidence: (1) first degree murder in violation of paragraph  
19 1 or 2 of subsection (a) of Section 9-1 of the Criminal  
20 Code of 1961 or the Criminal Code of 2012 or conviction of  
21 second degree murder in violation of subsection (a) of  
22 Section 9-2 of the Criminal Code of 1961 or the Criminal  
23 Code of 2012 of a parent of the child to be adopted; (2)  
24 first degree murder or second degree murder of any child in  
25 violation of the Criminal Code of 1961 or the Criminal Code  
26 of 2012; (3) attempt or conspiracy to commit first degree

1 murder or second degree murder of any child in violation of  
2 the Criminal Code of 1961 or the Criminal Code of 2012; (4)  
3 solicitation to commit murder of any child, solicitation to  
4 commit murder of any child for hire, or solicitation to  
5 commit second degree murder of any child in violation of  
6 the Criminal Code of 1961 or the Criminal Code of 2012; (5)  
7 predatory criminal sexual assault of a child in violation  
8 of Section 11-1.40 or 12-14.1 of the Criminal Code of 1961  
9 or the Criminal Code of 2012; (6) heinous battery of any  
10 child in violation of the Criminal Code of 1961; or (7)  
11 aggravated battery of any child in violation of the  
12 Criminal Code of 1961 or the Criminal Code of 2012.

13 There is a rebuttable presumption that a parent is  
14 deprived if the parent has been criminally convicted of at  
15 least 3 felonies under the laws of this State or any other  
16 state, or under federal law, or the criminal laws of any  
17 United States territory; and at least one of these  
18 convictions took place within 5 years of the filing of the  
19 petition or motion seeking termination of parental rights.

20 There is a rebuttable presumption that a parent is  
21 deprived if that parent has been criminally convicted of  
22 either first or second degree murder of any person as  
23 defined in the Criminal Code of 1961 or the Criminal Code  
24 of 2012 within 10 years of the filing date of the petition  
25 or motion to terminate parental rights.

26 No conviction or finding of delinquency pursuant to

1 Article 5 of the Juvenile Court Act of 1987 shall be  
2 considered a criminal conviction for the purpose of  
3 applying any presumption under this item (i).

4 (j) Open and notorious adultery or fornication.

5 (j-1) (Blank).

6 (k) Habitual drunkenness or addiction to drugs, other  
7 than those prescribed by a physician, for at least one year  
8 immediately prior to the commencement of the unfitness  
9 proceeding.

10 There is a rebuttable presumption that a parent is  
11 unfit under this subsection with respect to any child to  
12 which that parent gives birth where there is a confirmed  
13 test result that at birth the child's blood, urine, or  
14 meconium contained any amount of a controlled substance as  
15 defined in subsection (f) of Section 102 of the Illinois  
16 Controlled Substances Act or metabolites of such  
17 substances, the presence of which in the newborn infant was  
18 not the result of medical treatment administered to the  
19 mother or the newborn infant; and the biological mother of  
20 this child is the biological mother of at least one other  
21 child who was adjudicated a neglected minor under  
22 subsection (c) of Section 2-3 of the Juvenile Court Act of  
23 1987.

24 (l) Failure to demonstrate a reasonable degree of  
25 interest, concern or responsibility as to the welfare of a  
26 new born child during the first 30 days after its birth.

1 (m) Failure by a parent (i) to make reasonable efforts  
2 to correct the conditions that were the basis for the  
3 removal of the child from the parent during any 9-month  
4 period following the adjudication of neglected or abused  
5 minor under Section 2-3 of the Juvenile Court Act of 1987  
6 or dependent minor under Section 2-4 of that Act, or (ii)  
7 to make reasonable progress toward the return of the child  
8 to the parent during any 9-month period following the  
9 adjudication of neglected or abused minor under Section 2-3  
10 of the Juvenile Court Act of 1987 or dependent minor under  
11 Section 2-4 of that Act. If a service plan has been  
12 established as required under Section 8.2 of the Abused and  
13 Neglected Child Reporting Act to correct the conditions  
14 that were the basis for the removal of the child from the  
15 parent and if those services were available, then, for  
16 purposes of this Act, "failure to make reasonable progress  
17 toward the return of the child to the parent" includes the  
18 parent's failure to substantially fulfill his or her  
19 obligations under the service plan and correct the  
20 conditions that brought the child into care during any  
21 9-month period following the adjudication under Section  
22 2-3 or 2-4 of the Juvenile Court Act of 1987.  
23 Notwithstanding any other provision, when a petition or  
24 motion seeks to terminate parental rights on the basis of  
25 item (ii) of this subsection (m), the petitioner shall file  
26 with the court and serve on the parties a pleading that



1 specifies the 9-month period or periods relied on. The  
2 pleading shall be filed and served on the parties no later  
3 than 3 weeks before the date set by the court for closure  
4 of discovery, and the allegations in the pleading shall be  
5 treated as incorporated into the petition or motion.  
6 Failure of a respondent to file a written denial of the  
7 allegations in the pleading shall not be treated as an  
8 admission that the allegations are true.

9 (m-1) (Blank).

10 (n) Evidence of intent to forgo his or her parental  
11 rights, whether or not the child is a ward of the court,  
12 (1) as manifested by his or her failure for a period of 12  
13 months: (i) to visit the child, (ii) to communicate with  
14 the child or agency, although able to do so and not  
15 prevented from doing so by an agency or by court order, or  
16 (iii) to maintain contact with or plan for the future of  
17 the child, although physically able to do so, or (2) as  
18 manifested by the father's failure, where he and the mother  
19 of the child were unmarried to each other at the time of  
20 the child's birth, (i) to commence legal proceedings to  
21 establish his paternity under the Illinois Parentage Act of  
22 1984, the Illinois Parentage Act of 2015, or the law of the  
23 jurisdiction of the child's birth within 30 days of being  
24 informed, pursuant to Section 12a of this Act, that he is  
25 the father or the likely father of the child or, after  
26 being so informed where the child is not yet born, within

1 30 days of the child's birth, or (ii) to make a good faith  
2 effort to pay a reasonable amount of the expenses related  
3 to the birth of the child and to provide a reasonable  
4 amount for the financial support of the child, the court to  
5 consider in its determination all relevant circumstances,  
6 including the financial condition of both parents;  
7 provided that the ground for termination provided in this  
8 subparagraph (n)(2)(ii) shall only be available where the  
9 petition is brought by the mother or the husband of the  
10 mother.

11 Contact or communication by a parent with his or her  
12 child that does not demonstrate affection and concern does  
13 not constitute reasonable contact and planning under  
14 subdivision (n). In the absence of evidence to the  
15 contrary, the ability to visit, communicate, maintain  
16 contact, pay expenses and plan for the future shall be  
17 presumed. The subjective intent of the parent, whether  
18 expressed or otherwise, unsupported by evidence of the  
19 foregoing parental acts manifesting that intent, shall not  
20 preclude a determination that the parent has intended to  
21 forgo his or her parental rights. In making this  
22 determination, the court may consider but shall not require  
23 a showing of diligent efforts by an authorized agency to  
24 encourage the parent to perform the acts specified in  
25 subdivision (n).

26 It shall be an affirmative defense to any allegation

1 under paragraph (2) of this subsection that the father's  
2 failure was due to circumstances beyond his control or to  
3 impediments created by the mother or any other person  
4 having legal custody. Proof of that fact need only be by a  
5 preponderance of the evidence.

6 (o) Repeated or continuous failure by the parents,  
7 although physically and financially able, to provide the  
8 child with adequate food, clothing, or shelter.

9 (p) Inability to discharge parental responsibilities  
10 supported by competent evidence from a psychiatrist,  
11 licensed clinical social worker, or clinical psychologist  
12 of mental impairment, mental illness or an intellectual  
13 disability as defined in Section 1-116 of the Mental Health  
14 and Developmental Disabilities Code, or developmental  
15 disability as defined in Section 1-106 of that Code, and  
16 there is sufficient justification to believe that the  
17 inability to discharge parental responsibilities shall  
18 extend beyond a reasonable time period. However, this  
19 subdivision (p) shall not be construed so as to permit a  
20 licensed clinical social worker to conduct any medical  
21 diagnosis to determine mental illness or mental  
22 impairment.

23 (q) (Blank).

24 (r) The child is in the temporary custody or  
25 guardianship of the Department of Children and Family  
26 Services, the parent is incarcerated as a result of

1 criminal conviction at the time the petition or motion for  
2 termination of parental rights is filed, prior to  
3 incarceration the parent had little or no contact with the  
4 child or provided little or no support for the child, and  
5 the parent's incarceration will prevent the parent from  
6 discharging his or her parental responsibilities for the  
7 child for a period in excess of 2 years after the filing of  
8 the petition or motion for termination of parental rights.

9 (s) The child is in the temporary custody or  
10 guardianship of the Department of Children and Family  
11 Services, the parent is incarcerated at the time the  
12 petition or motion for termination of parental rights is  
13 filed, the parent has been repeatedly incarcerated as a  
14 result of criminal convictions, and the parent's repeated  
15 incarceration has prevented the parent from discharging  
16 his or her parental responsibilities for the child.

17 (t) A finding that at birth the child's blood, urine,  
18 or meconium contained any amount of a controlled substance  
19 as defined in subsection (f) of Section 102 of the Illinois  
20 Controlled Substances Act, or a metabolite of a controlled  
21 substance, with the exception of controlled substances or  
22 metabolites of such substances, the presence of which in  
23 the newborn infant was the result of medical treatment  
24 administered to the mother or the newborn infant, and that  
25 the biological mother of this child is the biological  
26 mother of at least one other child who was adjudicated a

1 neglected minor under subsection (c) of Section 2-3 of the  
2 Juvenile Court Act of 1987, after which the biological  
3 mother had the opportunity to enroll in and participate in  
4 a clinically appropriate substance abuse counseling,  
5 treatment, and rehabilitation program.

6 E. "Parent" means a person who is the legal mother or legal  
7 father of the child as defined in subsection X or Y of this  
8 Section. For the purpose of this Act, a parent who has executed  
9 a consent to adoption, a surrender, or a waiver pursuant to  
10 Section 10 of this Act, who has signed a Denial of Paternity  
11 pursuant to Section 12 of the Vital Records Act or Section 12a  
12 of this Act, or whose parental rights have been terminated by a  
13 court, is not a parent of the child who was the subject of the  
14 consent, surrender, waiver, or denial unless (1) the consent is  
15 void pursuant to subsection O of Section 10 of this Act; or (2)  
16 the person executed a consent to adoption by a specified person  
17 or persons pursuant to subsection A-1 of Section 10 of this Act  
18 and a court of competent jurisdiction finds that the consent is  
19 void; or (3) the order terminating the parental rights of the  
20 person is vacated by a court of competent jurisdiction.

21 F. A person is available for adoption when the person is:

22 (a) a child who has been surrendered for adoption to an  
23 agency and to whose adoption the agency has thereafter  
24 consented;

25 (b) a child to whose adoption a person authorized by  
26 law, other than his parents, has consented, or to whose

1 adoption no consent is required pursuant to Section 8 of  
2 this Act;

3 (c) a child who is in the custody of persons who intend  
4 to adopt him through placement made by his parents;

5 (c-1) a child for whom a parent has signed a specific  
6 consent pursuant to subsection O of Section 10;

7 (d) an adult who meets the conditions set forth in  
8 Section 3 of this Act; or

9 (e) a child who has been relinquished as defined in  
10 Section 10 of the Abandoned Newborn Infant Protection Act.

11 A person who would otherwise be available for adoption  
12 shall not be deemed unavailable for adoption solely by reason  
13 of his or her death.

14 G. The singular includes the plural and the plural includes  
15 the singular and the "male" includes the "female", as the  
16 context of this Act may require.

17 H. (Blank).

18 I. "Habitual residence" has the meaning ascribed to it in  
19 the federal Intercountry Adoption Act of 2000 and regulations  
20 promulgated thereunder.

21 J. "Immediate relatives" means the biological parents, the  
22 parents of the biological parents and siblings of the  
23 biological parents.

24 K. "Intercountry adoption" is a process by which a child  
25 from a country other than the United States is adopted by  
26 persons who are habitual residents of the United States, or the

1 child is a habitual resident of the United States who is  
2 adopted by persons who are habitual residents of a country  
3 other than the United States.

4 L. (Blank).

5 M. "Interstate Compact on the Placement of Children" is a  
6 law enacted by all states and certain territories for the  
7 purpose of establishing uniform procedures for handling the  
8 interstate placement of children in foster homes, adoptive  
9 homes, or other child care facilities.

10 N. (Blank).

11 O. "Preadoption requirements" means any conditions or  
12 standards established by the laws or administrative rules of  
13 this State that must be met by a prospective adoptive parent  
14 prior to the placement of a child in an adoptive home.

15 P. "Abused child" means a child whose parent or immediate  
16 family member, or any person responsible for the child's  
17 welfare, or any individual residing in the same home as the  
18 child, or a paramour of the child's parent:

19 (a) inflicts, causes to be inflicted, or allows to be  
20 inflicted upon the child physical injury, by other than  
21 accidental means, that causes death, disfigurement,  
22 impairment of physical or emotional health, or loss or  
23 impairment of any bodily function;

24 (b) creates a substantial risk of physical injury to  
25 the child by other than accidental means which would be  
26 likely to cause death, disfigurement, impairment of

1 physical or emotional health, or loss or impairment of any  
2 bodily function;

3 (c) commits or allows to be committed any sex offense  
4 against the child, as sex offenses are defined in the  
5 Criminal Code of 2012 and extending those definitions of  
6 sex offenses to include children under 18 years of age;

7 (d) commits or allows to be committed an act or acts of  
8 torture upon the child; or

9 (e) inflicts excessive corporal punishment.

10 Q. "Neglected child" means any child whose parent or other  
11 person responsible for the child's welfare withholds or denies  
12 nourishment or medically indicated treatment including food or  
13 care denied solely on the basis of the present or anticipated  
14 mental or physical impairment as determined by a physician  
15 acting alone or in consultation with other physicians or  
16 otherwise does not provide the proper or necessary support,  
17 education as required by law, or medical or other remedial care  
18 recognized under State law as necessary for a child's  
19 well-being, or other care necessary for his or her well-being,  
20 including adequate food, clothing and shelter; or who is  
21 abandoned by his or her parents or other person responsible for  
22 the child's welfare.

23 A child shall not be considered neglected or abused for the  
24 sole reason that the child's parent or other person responsible  
25 for his or her welfare depends upon spiritual means through  
26 prayer alone for the treatment or cure of disease or remedial



1 care as provided under Section 4 of the Abused and Neglected  
2 Child Reporting Act. A child shall not be considered neglected  
3 or abused for the sole reason that the child's parent or other  
4 person responsible for the child's welfare failed to vaccinate,  
5 delayed vaccination, or refused vaccination for the child due  
6 to a waiver on religious or medical grounds as permitted by  
7 law.

8 R. "Putative father" means a man who may be a child's  
9 father, but who (1) is not married to the child's mother on or  
10 before the date that the child was or is to be born and (2) has  
11 not established paternity of the child in a court proceeding  
12 before the filing of a petition for the adoption of the child.  
13 The term includes a male who is less than 18 years of age.  
14 "Putative father" does not mean a man who is the child's father  
15 as a result of criminal sexual abuse or assault as defined  
16 under Article 11 of the Criminal Code of 2012.

17 S. "Standby adoption" means an adoption in which a parent  
18 consents to custody and termination of parental rights to  
19 become effective upon the occurrence of a future event, which  
20 is either the death of the parent or the request of the parent  
21 for the entry of a final judgment of adoption.

22 T. (Blank).

23 T-5. "Biological parent", "birth parent", or "natural  
24 parent" of a child are interchangeable terms that mean a person  
25 who is biologically or genetically related to that child as a  
26 parent.

1 U. "Interstate adoption" means the placement of a minor  
2 child with a prospective adoptive parent for the purpose of  
3 pursuing an adoption for that child that is subject to the  
4 provisions of the Interstate Compact on Placement of Children.

5 V. (Blank).

6 W. (Blank).

7 X. "Legal father" of a child means a man who is recognized  
8 as or presumed to be that child's father:

9 (1) because of his marriage to or civil union with the  
10 child's parent at the time of the child's birth or within  
11 300 days prior to that child's birth, unless he signed a  
12 denial of paternity pursuant to Section 12 of the Vital  
13 Records Act or a waiver pursuant to Section 10 of this Act;  
14 or

15 (2) because his paternity of the child has been  
16 established pursuant to the Illinois Parentage Act, the  
17 Illinois Parentage Act of 1984, or the Gestational  
18 Surrogacy Act; or

19 (3) because he is listed as the child's father or  
20 parent on the child's birth certificate, unless he is  
21 otherwise determined by an administrative or judicial  
22 proceeding not to be the parent of the child or unless he  
23 rescinds his acknowledgment of paternity pursuant to the  
24 Illinois Parentage Act of 1984; or

25 (4) because his paternity or adoption of the child has  
26 been established by a court of competent jurisdiction.

1           The definition in this subsection X shall not be construed  
2 to provide greater or lesser rights as to the number of parents  
3 who can be named on a final judgment order of adoption or  
4 Illinois birth certificate that otherwise exist under Illinois  
5 law.

6           Y. "Legal mother" of a child means a woman who is  
7 recognized as or presumed to be that child's mother:

8           (1) because she gave birth to the child except as  
9 provided in the Gestational Surrogacy Act; or

10           (2) because her maternity of the child has been  
11 established pursuant to the Illinois Parentage Act of 1984  
12 or the Gestational Surrogacy Act; or

13           (3) because her maternity or adoption of the child has  
14 been established by a court of competent jurisdiction; or

15           (4) because of her marriage to or civil union with the  
16 child's other parent at the time of the child's birth or  
17 within 300 days prior to the time of birth; or

18           (5) because she is listed as the child's mother or  
19 parent on the child's birth certificate unless she is  
20 otherwise determined by an administrative or judicial  
21 proceeding not to be the parent of the child.

22           The definition in this subsection Y shall not be construed  
23 to provide greater or lesser rights as to the number of parents  
24 who can be named on a final judgment order of adoption or  
25 Illinois birth certificate that otherwise exist under Illinois  
26 law.

1           Z. "Department" means the Illinois Department of Children  
2 and Family Services.

3           AA. "Placement disruption" means a circumstance where the  
4 child is removed from an adoptive placement before the adoption  
5 is finalized.

6           BB. "Secondary placement" means a placement, including but  
7 not limited to the placement of a youth in care as defined in  
8 Section 4d of the Children and Family Services Act, that occurs  
9 after a placement disruption or an adoption dissolution.  
10 "Secondary placement" does not mean secondary placements  
11 arising due to the death of the adoptive parent of the child.

12           CC. "Adoption dissolution" means a circumstance where the  
13 child is removed from an adoptive placement after the adoption  
14 is finalized.

15           DD. "Unregulated placement" means the secondary placement  
16 of a child that occurs without the oversight of the courts, the  
17 Department, or a licensed child welfare agency.

18           EE. "Post-placement and post-adoption support services"  
19 means support services for placed or adopted children and  
20 families that include, but are not limited to, mental health  
21 treatment, including counseling and other support services for  
22 emotional, behavioral, or developmental needs, and treatment  
23 for substance abuse.

24           (Source: P.A. 99-49, eff. 7-15-15; 99-85, eff. 1-1-16; 99-642,  
25 eff. 7-28-16; 99-836, eff. 1-1-17; 100-159, eff. 8-18-17.)

1 (750 ILCS 50/18.9)

2 Sec. 18.9. Post-placement and post-adoption support  
3 services.

4 (a) It is the public policy of this State to find  
5 permanency for children through adoption and to prevent  
6 placement disruption, adoption dissolution, and secondary  
7 placement. Public awareness and access ~~Access~~ to timely,  
8 effective post-placement and post-adoption support services to  
9 provide ~~support and resources for~~ children and youth in care as  
10 ~~defined in Section 4d of the Children and Family Services Act,~~  
11 ~~foster families, and adoptive families~~ is essential to promote  
12 permanency. ~~Public awareness of post placement and~~  
13 ~~post adoption services and the ability of families to utilize~~  
14 ~~effective services are essential to permanency.~~

15 (b) The Department shall establish and maintain accessible  
16 post-placement and post-adoption support services for all  
17 children adopted pursuant to this Act, all children residing in  
18 this State adopted pursuant to the Interstate Compact on the  
19 Placement of Children, all children residing in this State  
20 adopted pursuant to the Intercountry Adoption Act of 2000, and  
21 all former youth in care, as defined by the Children and Family  
22 Services Act, who have been placed in a guardianship.

23 (b-5) The Department shall establish and maintain a  
24 toll-free number to respond to requests from the public about  
25 its post-placement and post-adoption support services under  
26 subsection (b) and shall staff the toll-free number so that

1 calls are answered on a timely basis, but in no event more than  
2 24 hours from the receipt of a request.

3 (c) The Department shall publicize ~~post~~ information about  
4 the Department's post-placement and post-adoption support  
5 services pursuant to subsection (b) and the toll-free number  
6 pursuant to subsection (b-5) as follows:

7 (1) it shall post information on the Department's  
8 website; ~~and~~

9 (2) it shall provide the information to every licensed  
10 child welfare agency, every out of State placement agency  
11 or entity approved under Section 4.1 of this Act, and any  
12 entity providing adoption support services in the Illinois  
13 courts;

14 (3) it ~~The Department's post placement and~~  
15 ~~post-adoption support services shall~~ reference such  
16 information be referenced in the information regarding  
17 adoptive parents' rights and responsibilities document  
18 that the Department publishes and that is provided ~~provides~~  
19 to adoptive parents under this Act and the Child Care Act.

20 (4) it shall provide the information, including the  
21 Illinois Post Adoption and Guardianship Services booklet,  
22 to prospective adoptive parents and guardians as part of  
23 its adoption and guardianship training and at the time they  
24 are presented with the Permanency Commitment form; and

25 (5) it shall include, in each annual notification  
26 letter mailed to adoptive parents and guardians, a short,

1 2-sided flier or news bulletin in plain language that  
2 describes access to post-placement and post-adoption  
3 services, how to access Medicaid and Individual Care Grant  
4 or Family Support Program services, the webpage address to  
5 Illinois' Post Adoption and Guardianship Services booklet,  
6 information on how to request that a copy of the booklet be  
7 mailed, and a sticker or magnet that includes the toll-free  
8 number to access the Department's post-placement and  
9 post-adoption support services. ~~The Department shall~~  
10 ~~establish and maintain a toll free number to advise the~~  
11 ~~public about its post-placement and post-adoption support~~  
12 ~~services and post the number on its website.~~

13 (c-5) The Department shall review and update annually all  
14 information relating to its post-placement and post-adoption  
15 support services, including its Post Adoption and Guardianship  
16 Services booklet, to include updated information on Individual  
17 Care Group or Family Support Program services eligibility and  
18 the post-placement and post-adoption support services that are  
19 available through the Medicaid program or any other State  
20 program for mental health services. The Department and the  
21 Department of Healthcare and Family Services shall coordinate  
22 their efforts in the development of resources described in this  
23 subsection.

24 (d) Every licensed child welfare agency, every entity  
25 approved under Section 4.1 of this Act, and any entity  
26 providing adoption support services in the Illinois courts

1 shall provide the Department's website address and link to the  
2 Department's post-placement and post-adoption support services  
3 information set forth in subsection (c) of this Section,  
4 including the Department's toll-free number, to every adoptive  
5 parent, prospective adoptive parent, and guardian with whom  
6 they work in Illinois. This information shall be provided prior  
7 to placement.

8 (e) Beginning one year after the effective date of this  
9 amendatory Act of the 101st ~~99th~~ General Assembly, the  
10 Department shall report annually to the General Assembly on  
11 January 15 the following information for the preceding year:

12 (1) a description of all post-placement and  
13 post-adoption support services the Department provides;

14 (2) without identifying the names of the recipients of  
15 the services, the number of guardians ~~foster parents~~,  
16 prospective adoptive parents, and adoptive families in  
17 Illinois who have received the Department's post-placement  
18 and post-adoption support services and the type of services  
19 provided and for each, the length of time between the  
20 initial contact to the Department to request  
21 post-placement and post-adoption support services and the  
22 first receipt of services, and the type of services  
23 received;

24 (3) the number of families who have contacted the  
25 Department about its post-placement and post-adoption  
26 support services due to a potential placement disruption,



1 adoption dissolution, secondary placement, or unregulated  
2 placement, but for whom the Department declined to provide  
3 post-placement and post-adoption support services and the  
4 reasons that services were denied; ~~and~~

5 (4) the number of placement disruptions, adoption  
6 dissolutions, unregulated placements, and secondary  
7 placements, and for each one:

8 (A) the type of placement or adoption, including  
9 whether the child who was the subject of the placement  
10 was a youth in care as defined in Section 4d of the  
11 Children and Family Services Act, and if the child was  
12 not a youth in care, whether the adoption was a  
13 private, agency, agency-assisted, interstate, or  
14 intercountry adoption;

15 (B) if the placement or adoption was intercountry,  
16 the country of birth of the child;

17 (C) whether the child who was the subject of the  
18 placement disruption, adoption dissolution,  
19 unregulated placement, or secondary placement entered  
20 State custody;

21 (D) the length of the placement prior to the  
22 placement disruption, adoption dissolution,  
23 unregulated placement, or secondary placement;

24 (E) the age of the child at the time of the  
25 placement disruption, adoption dissolution,  
26 unregulated placement, or secondary placement;

1 (F) the reason, if known, for the placement  
2 disruption, adoption dissolution, unregulated  
3 placement, or secondary placement; and

4 (G) if a licensed child welfare agency or any  
5 approved out of State placing entity participated in  
6 the initial placement, and, if applicable, the name of  
7 the agency or approved out of State placing entity;  
8 and-

9 (5) a description of the coordination between the  
10 Department and the Department of Healthcare and Family  
11 Services to develop resources under this subsection,  
12 including, but not limited to, a description of the goals  
13 of such coordination and whether the goals have been met.

14 (Source: P.A. 99-49, eff. 7-15-15; 100-159, eff. 8-18-17.)