



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB2559

Introduced 1/29/2020, by Sen. Sara Feigenholtz

#### SYNOPSIS AS INTRODUCED:

750 ILCS 50/1	from Ch. 40, par. 1501
750 ILCS 50/2	from Ch. 40, par. 1502
750 ILCS 50/11	from Ch. 40, par. 1513
750 ILCS 50/13	from Ch. 40, par. 1516
750 ILCS 50/14	from Ch. 40, par. 1517

Amends the Adoption Act. Provides that the residence requirement for adoption shall not apply to: an adoption of a child placed by a State-licensed child welfare agency performing adoption services (rather than an adoption of a child placed by an agency); and an adoption of a child born in the State who has resided in the State continuously since birth, or a child who has continuously resided in the State for at least 6 months immediately preceding the commencement of the adoption proceeding. Includes additional information for the affidavit of identification to be given by the biological mother in an adoption proceeding. Provides that, in specified proceedings, in the case of a related adoption where the child sought to be adopted is not a youth in care, the court shall have the discretion to waive the appointment of a guardian ad litem. Provides that the ability for the petitioners to apply for judgment of adoption 6 months after the date of any interim order vesting temporary care, custody, and control of a child in the petitioners does not apply to a judgment for adoption of a related child, an adult, or a child as to whose adoption a State-licensed child welfare agency, or person authorized by law, has the right of authority to consent. Deletes language providing that a judgment for adoption of an adult or a child as to whose adoption an agency or person authorized by law has the right of authority to consent may be entered at any time after service of process and after the return day designated therein. Provides instead that a judgment for adoption of: an adult may be entered at any time after the adult has consented to his or her adoption; or a child as to whose adoption a State-licensed child welfare agency, or person authorized by law, has the right of authority to consent may be entered at any time after placement and completion of investigation. Makes other changes.

LRB101 16217 LNS 69212 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, 2, 11, 13, and 14 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) ~~1~~ or (2) ~~2~~ of subsection (a) of Section 9-1 of the  
20 Criminal Code of 1961 or the Criminal Code of 2012 or  
21 conviction of second degree murder in violation of  
22 subsection (a) of Section 9-2 of the Criminal Code of 1961  
23 or the Criminal Code of 2012 of a parent of the child to be  
24 adopted; (2) first degree murder or second degree murder of  
25 any child in violation of the Criminal Code of 1961 or the  
26 Criminal Code of 2012; (3) attempt or conspiracy to commit

1 first degree murder or second degree murder of any child in  
2 violation of the Criminal Code of 1961 or the Criminal Code  
3 of 2012; (4) solicitation to commit murder of any child,  
4 solicitation to commit murder of any child for hire, or  
5 solicitation to commit second degree murder of any child in  
6 violation of the Criminal Code of 1961 or the Criminal Code  
7 of 2012; (5) predatory criminal sexual assault of a child  
8 in violation of Section 11-1.40 or 12-14.1 of the Criminal  
9 Code of 1961 or the Criminal Code of 2012; (6) heinous  
10 battery of any child in violation of the Criminal Code of  
11 1961; (7) aggravated battery of any child in violation of  
12 the Criminal Code of 1961 or the Criminal Code of 2012; (8)  
13 any violation of Section 11-1.20 or Section 12-13 of the  
14 Criminal Code of 1961 or the Criminal Code of 2012; (9) any  
15 violation of subsection (a) of Section 11-1.50 or Section  
16 12-16 of the Criminal Code of 1961 or the Criminal Code of  
17 2012; (10) any violation of Section 11-9.1 of the Criminal  
18 Code of 1961 or the Criminal Code of 2012; (11) any  
19 violation of Section 11-9.1A of the Criminal Code of 1961  
20 or the Criminal Code of 2012; or (12) an offense in any  
21 other state the elements of which are similar and bear a  
22 substantial relationship to any of the enumerated offenses  
23 in this subsection (i).

24 There is a rebuttable presumption that a parent is  
25 deprived if the parent has been criminally convicted of at  
26 least 3 felonies under the laws of this State or any other

1 state, or under federal law, or the criminal laws of any  
2 United States territory; and at least one of these  
3 convictions took place within 5 years of the filing of the  
4 petition or motion seeking termination of parental rights.

5 There is a rebuttable presumption that a parent is  
6 deprived if that parent has been criminally convicted of  
7 either first or second degree murder of any person as  
8 defined in the Criminal Code of 1961 or the Criminal Code  
9 of 2012 within 10 years of the filing date of the petition  
10 or motion to terminate parental rights.

11 No conviction or finding of delinquency pursuant to  
12 Article 5 of the Juvenile Court Act of 1987 shall be  
13 considered a criminal conviction for the purpose of  
14 applying any presumption under this item (i).

15 (j) Open and notorious adultery or fornication.

16 (j-1) (Blank).

17 (k) Habitual drunkenness or addiction to drugs, other  
18 than those prescribed by a physician, for at least one year  
19 immediately prior to the commencement of the unfitness  
20 proceeding.

21 There is a rebuttable presumption that a parent is  
22 unfit under this subsection with respect to any child to  
23 which that parent gives birth where there is a confirmed  
24 test result that at birth the child's blood, urine, or  
25 meconium contained any amount of a controlled substance as  
26 defined in subsection (f) of Section 102 of the Illinois

1           Controlled Substances Act or metabolites of such  
2 substances, the presence of which in the newborn infant was  
3 not the result of medical treatment administered to the  
4 mother or the newborn infant; and the biological mother of  
5 this child is the biological mother of at least one other  
6 child who was adjudicated a neglected minor under  
7 subsection (c) of Section 2-3 of the Juvenile Court Act of  
8 1987.

9           (1) Failure to demonstrate a reasonable degree of  
10 interest, concern or responsibility as to the welfare of a  
11 new born child during the first 30 days after its birth.

12           (m) Failure by a parent (i) to make reasonable efforts  
13 to correct the conditions that were the basis for the  
14 removal of the child from the parent during any 9-month  
15 period following the adjudication of neglected or abused  
16 minor under Section 2-3 of the Juvenile Court Act of 1987  
17 or dependent minor under Section 2-4 of that Act, or (ii)  
18 to make reasonable progress toward the return of the child  
19 to the parent during any 9-month period following the  
20 adjudication of neglected or abused minor under Section 2-3  
21 of the Juvenile Court Act of 1987 or dependent minor under  
22 Section 2-4 of that Act. If a service plan has been  
23 established as required under Section 8.2 of the Abused and  
24 Neglected Child Reporting Act to correct the conditions  
25 that were the basis for the removal of the child from the  
26 parent and if those services were available, then, for



1 purposes of this Act, "failure to make reasonable progress  
2 toward the return of the child to the parent" includes the  
3 parent's failure to substantially fulfill his or her  
4 obligations under the service plan and correct the  
5 conditions that brought the child into care during any  
6 9-month period following the adjudication under Section  
7 2-3 or 2-4 of the Juvenile Court Act of 1987.  
8 Notwithstanding any other provision, when a petition or  
9 motion seeks to terminate parental rights on the basis of  
10 item (ii) of this subsection (m), the petitioner shall file  
11 with the court and serve on the parties a pleading that  
12 specifies the 9-month period or periods relied on. The  
13 pleading shall be filed and served on the parties no later  
14 than 3 weeks before the date set by the court for closure  
15 of discovery, and the allegations in the pleading shall be  
16 treated as incorporated into the petition or motion.  
17 Failure of a respondent to file a written denial of the  
18 allegations in the pleading shall not be treated as an  
19 admission that the allegations are true.

20 (m-1) (Blank).

21 (n) Evidence of intent to forgo his or her parental  
22 rights, whether or not the child is a ward of the court,  
23 (1) as manifested by his or her failure for a period of 12  
24 months: (i) to visit the child, (ii) to communicate with  
25 the child or agency, although able to do so and not  
26 prevented from doing so by an agency or by court order, or

1 (iii) to maintain contact with or plan for the future of  
2 the child, although physically able to do so, or (2) as  
3 manifested by the father's failure, where he and the mother  
4 of the child were unmarried to each other at the time of  
5 the child's birth, (i) to commence legal proceedings to  
6 establish his paternity under the Illinois Parentage Act of  
7 1984, the Illinois Parentage Act of 2015, or the law of the  
8 jurisdiction of the child's birth within 30 days of being  
9 informed, pursuant to Section 12a of this Act, that he is  
10 the father or the likely father of the child or, after  
11 being so informed where the child is not yet born, within  
12 30 days of the child's birth, or (ii) to make a good faith  
13 effort to pay a reasonable amount of the expenses related  
14 to the birth of the child and to provide a reasonable  
15 amount for the financial support of the child, the court to  
16 consider in its determination all relevant circumstances,  
17 including the financial condition of both parents;  
18 provided that the ground for termination provided in this  
19 subparagraph (n)(2)(ii) shall only be available where the  
20 petition is brought by the mother or the husband of the  
21 mother.

22 Contact or communication by a parent with his or her  
23 child that does not demonstrate affection and concern does  
24 not constitute reasonable contact and planning under  
25 subdivision (n). In the absence of evidence to the  
26 contrary, the ability to visit, communicate, maintain

1 contact, pay expenses and plan for the future shall be  
2 presumed. The subjective intent of the parent, whether  
3 expressed or otherwise, unsupported by evidence of the  
4 foregoing parental acts manifesting that intent, shall not  
5 preclude a determination that the parent has intended to  
6 forgo his or her parental rights. In making this  
7 determination, the court may consider but shall not require  
8 a showing of diligent efforts by an authorized agency to  
9 encourage the parent to perform the acts specified in  
10 subdivision (n).

11 It shall be an affirmative defense to any allegation  
12 under paragraph (2) of this subsection that the father's  
13 failure was due to circumstances beyond his control or to  
14 impediments created by the mother or any other person  
15 having legal custody. Proof of that fact need only be by a  
16 preponderance of the evidence.

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

20 (p) Inability to discharge parental responsibilities  
21 supported by competent evidence from a psychiatrist,  
22 licensed clinical social worker, or clinical psychologist  
23 of mental impairment, mental illness or an intellectual  
24 disability as defined in Section 1-116 of the Mental Health  
25 and Developmental Disabilities Code, or developmental  
26 disability as defined in Section 1-106 of that Code, and

1           there is sufficient justification to believe that the  
2           inability to discharge parental responsibilities shall  
3           extend beyond a reasonable time period. However, this  
4           subdivision (p) shall not be construed so as to permit a  
5           licensed clinical social worker to conduct any medical  
6           diagnosis to determine mental illness or mental  
7           impairment.

8           (q) (Blank).

9           (r) The child is in the temporary custody or  
10          guardianship of the Department of Children and Family  
11          Services, the parent is incarcerated as a result of  
12          criminal conviction at the time the petition or motion for  
13          termination of parental rights is filed, prior to  
14          incarceration the parent had little or no contact with the  
15          child or provided little or no support for the child, and  
16          the parent's incarceration will prevent the parent from  
17          discharging his or her parental responsibilities for the  
18          child for a period in excess of 2 years after the filing of  
19          the petition or motion for termination of parental rights.

20          (s) The child is in the temporary custody or  
21          guardianship of the Department of Children and Family  
22          Services, the parent is incarcerated at the time the  
23          petition or motion for termination of parental rights is  
24          filed, the parent has been repeatedly incarcerated as a  
25          result of criminal convictions, and the parent's repeated  
26          incarceration has prevented the parent from discharging

1 his or her parental responsibilities for the child.

2 (t) A finding that at birth the child's blood, urine,  
3 or meconium contained any amount of a controlled substance  
4 as defined in subsection (f) of Section 102 of the Illinois  
5 Controlled Substances Act, or a metabolite of a controlled  
6 substance, with the exception of controlled substances or  
7 metabolites of such substances, the presence of which in  
8 the newborn infant was the result of medical treatment  
9 administered to the mother or the newborn infant, and that  
10 the biological mother of this child is the biological  
11 mother of at least one other child who was adjudicated a  
12 neglected minor under subsection (c) of Section 2-3 of the  
13 Juvenile Court Act of 1987, after which the biological  
14 mother had the opportunity to enroll in and participate in  
15 a clinically appropriate substance abuse counseling,  
16 treatment, and rehabilitation program.

17 E. "Parent" means a person who is the legal mother or legal  
18 father of the child as defined in subsection X or Y of this  
19 Section. For the purpose of this Act, a parent who has executed  
20 a consent to adoption, a surrender, or a waiver pursuant to  
21 Section 10 of this Act, who has signed a Denial of Paternity  
22 pursuant to Section 12 of the Vital Records Act or Section 12a  
23 of this Act, or whose parental rights have been terminated by a  
24 court, is not a parent of the child who was the subject of the  
25 consent, surrender, waiver, or denial unless (1) the consent is  
26 void pursuant to subsection O of Section 10 of this Act; or (2)

1 the person executed a consent to adoption by a specified person  
2 or persons pursuant to subsection A-1 of Section 10 of this Act  
3 and a court of competent jurisdiction finds that the consent is  
4 void; or (3) the order terminating the parental rights of the  
5 person is vacated by a court of competent jurisdiction.

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

7 (a) a child who has been surrendered for adoption to an  
8 agency and to whose adoption the agency has thereafter  
9 consented;

10 (b) a child to whose adoption a person authorized by  
11 law, other than his parents, has consented, or to whose  
12 adoption no consent is required pursuant to Section 8 of  
13 this Act;

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

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

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

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

22 A person who would otherwise be available for adoption  
23 shall not be deemed unavailable for adoption solely by reason  
24 of his or her death.

25 G. The singular includes the plural and the plural includes  
26 the singular and the "male" includes the "female", as the

1 context of this Act may require.

2 H. (Blank).

3 I. "Habitual residence" has the meaning ascribed to it in  
4 the federal Intercountry Adoption Act of 2000 and regulations  
5 promulgated thereunder.

6 J. "Immediate relatives" means the biological parents, the  
7 parents of the biological parents and siblings of the  
8 biological parents.

9 K. "Intercountry adoption" is a process by which a child  
10 from a country other than the United States is adopted by  
11 persons who are habitual residents of the United States, or the  
12 child is a habitual resident of the United States who is  
13 adopted by persons who are habitual residents of a country  
14 other than the United States.

15 L. (Blank).

16 M. "Interstate Compact on the Placement of Children" is a  
17 law enacted by all states and certain territories for the  
18 purpose of establishing uniform procedures for handling the  
19 interstate placement of children in foster homes, adoptive  
20 homes, or other child care facilities.

21 N. (Blank).

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

26 P. "Abused child" means a child whose parent or immediate

1 family member, or any person responsible for the child's  
2 welfare, or any individual residing in the same home as the  
3 child, or a paramour of the child's parent:

4 (a) inflicts, causes to be inflicted, or allows to be  
5 inflicted upon the child physical injury, by other than  
6 accidental means, that causes death, disfigurement,  
7 impairment of physical or emotional health, or loss or  
8 impairment of any bodily function;

9 (b) creates a substantial risk of physical injury to  
10 the child by other than accidental means which would be  
11 likely to cause death, disfigurement, impairment of  
12 physical or emotional health, or loss or impairment of any  
13 bodily function;

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

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

20 (e) inflicts excessive corporal punishment.

21 Q. "Neglected child" means any child whose parent or other  
22 person responsible for the child's welfare withholds or denies  
23 nourishment or medically indicated treatment including food or  
24 care denied solely on the basis of the present or anticipated  
25 mental or physical impairment as determined by a physician  
26 acting alone or in consultation with other physicians or



1 otherwise does not provide the proper or necessary support,  
2 education as required by law, or medical or other remedial care  
3 recognized under State law as necessary for a child's  
4 well-being, or other care necessary for his or her well-being,  
5 including adequate food, clothing and shelter; or who is  
6 abandoned by his or her parents or other person responsible for  
7 the child's welfare.

8 A child shall not be considered neglected or abused for the  
9 sole reason that the child's parent or other person responsible  
10 for his or her welfare depends upon spiritual means through  
11 prayer alone for the treatment or cure of disease or remedial  
12 care as provided under Section 4 of the Abused and Neglected  
13 Child Reporting Act. A child shall not be considered neglected  
14 or abused for the sole reason that the child's parent or other  
15 person responsible for the child's welfare failed to vaccinate,  
16 delayed vaccination, or refused vaccination for the child due  
17 to a waiver on religious or medical grounds as permitted by  
18 law.

19 R. "Putative father" means a man who may be a child's  
20 father, but who (1) is not married to the child's mother on or  
21 before the date that the child was or is to be born and (2) has  
22 not established paternity of the child in a court proceeding  
23 before the filing of a petition for the adoption of the child.  
24 The term includes a male who is less than 18 years of age.  
25 "Putative father" does not mean a man who is the child's father  
26 as a result of criminal sexual abuse or assault as defined

1 under Article 11 of the Criminal Code of 2012.

2 S. "Standby adoption" means an adoption in which a parent  
3 consents to custody and termination of parental rights to  
4 become effective upon the occurrence of a future event, which  
5 is either the death of the parent or the request of the parent  
6 for the entry of a final judgment of adoption.

7 T. (Blank).

8 T-5. "Biological parent", "birth parent", or "natural  
9 parent" of a child are interchangeable terms that mean a person  
10 who is biologically or genetically related to that child as a  
11 parent.

12 U. "Interstate adoption" means the placement of a minor  
13 child with a prospective adoptive parent for the purpose of  
14 pursuing an adoption for that child that is subject to the  
15 provisions of the Interstate Compact on the Placement of  
16 Children.

17 V. (Blank).

18 W. (Blank).

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

21 (1) because of his marriage to or civil union with the  
22 child's parent at the time of the child's birth or within  
23 300 days prior to that child's birth, unless he signed a  
24 denial of paternity pursuant to Section 12 of the Vital  
25 Records Act or a waiver pursuant to Section 10 of this Act;  
26 or

1           (2) because his paternity of the child has been  
2 established pursuant to the Illinois Parentage Act, the  
3 Illinois Parentage Act of 1984, or the Gestational  
4 Surrogacy Act; or

5           (3) because he is listed as the child's father or  
6 parent on the child's birth certificate, unless he is  
7 otherwise determined by an administrative or judicial  
8 proceeding not to be the parent of the child or unless he  
9 rescinds his acknowledgment of paternity pursuant to the  
10 Illinois Parentage Act of 1984; or

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

13           The definition in this subsection X shall not be construed  
14 to provide greater or lesser rights as to the number of parents  
15 who can be named on a final judgment order of adoption or  
16 Illinois birth certificate that otherwise exist under Illinois  
17 law.

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

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

22           (2) because her maternity of the child has been  
23 established pursuant to the Illinois Parentage Act of 1984  
24 or the Gestational Surrogacy Act; or

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

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

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

8           The definition in this subsection Y shall not be construed  
9           to provide greater or lesser rights as to the number of parents  
10          who can be named on a final judgment order of adoption or  
11          Illinois birth certificate that otherwise exist under Illinois  
12          law.

13          Z. "Department" means the Illinois Department of Children  
14          and Family Services.

15          AA. "Placement disruption" means a circumstance where the  
16          child is removed from an adoptive placement before the adoption  
17          is finalized.

18          BB. "Secondary placement" means a placement, including but  
19          not limited to the placement of a youth in care as defined in  
20          Section 4d of the Children and Family Services Act, that occurs  
21          after a placement disruption or an adoption dissolution.  
22          "Secondary placement" does not mean secondary placements  
23          arising due to the death of the adoptive parent of the child.

24          CC. "Adoption dissolution" means a circumstance where the  
25          child is removed from an adoptive placement after the adoption  
26          is finalized.

1 DD. "Unregulated placement" means the secondary placement  
2 of a child that occurs without the oversight of the courts, the  
3 Department, or a licensed child welfare agency.

4 EE. "Post-placement and post-adoption support services"  
5 means support services for placed or adopted children and  
6 families that include, but are not limited to, mental health  
7 treatment, including counseling and other support services for  
8 emotional, behavioral, or developmental needs, and treatment  
9 for substance abuse.

10 FF. "Youth in care" has the meaning provided in Section 4d  
11 of the Children and Family Services Act.

12 (Source: P.A. 100-159, eff. 8-18-17; 101-155, eff. 1-1-20;  
13 101-529, eff. 1-1-20; revised 9-17-19.)

14 (750 ILCS 50/2) (from Ch. 40, par. 1502)

15 Sec. 2. Who may adopt a child.

16 A. Any of the following persons, who is under no legal  
17 disability (except the minority specified in sub-paragraph  
18 (b)) and who has resided in the State of Illinois continuously  
19 for a period of at least 6 months immediately preceding the  
20 commencement of an adoption proceeding, or any member of the  
21 armed forces of the United States who has been domiciled in the  
22 State of Illinois for 90 days, may institute such proceeding:

23 (a) A reputable person of legal age and of either sex,  
24 provided that if such person is married or in a civil union  
25 and has not been living separate and apart from his or her

1 spouse or civil union partner for 12 months or longer, his  
2 or her spouse or civil union partner shall be a party to  
3 the adoption proceeding, including a spouse or civil union  
4 partner desiring to adopt a child of the other spouse or  
5 civil union partner, in all of which cases the adoption  
6 shall be by both spouses or civil union partners jointly;

7 (b) A minor, by leave of court upon good cause shown.

8 Notwithstanding sub-paragraph (a) of this subsection, a  
9 spouse or civil union partner is not required to join in a  
10 petition for adoption to re-adopt a child after an intercountry  
11 adoption if the spouse or civil union partner did not  
12 previously adopt the child as set forth in subsections (c) and  
13 (e) of Section 4.1 of this Act.

14 B. The residence requirement specified in paragraph A of  
15 this Section shall not apply to:

16 (a) an adoption of a related child or child previously  
17 adopted in a foreign country by the petitioner; ~~or~~

18 (b) an adoption of a child placed by an  
19 Illinois-licensed child welfare ~~an~~ agency performing  
20 adoption services; or-

21 (c) an adoption of a child born in this State who has  
22 resided continuously in this State since birth, or a child  
23 who has continuously resided in this State for at least 6  
24 months immediately preceding the commencement of the  
25 adoption proceeding, if:

26 (1) an Illinois-licensed child welfare agency

1 performing adoption services has acknowledged a  
2 consent or surrender of one or both of the biological  
3 or legal parents of the child under this Act and the  
4 Child Care Act of 1969; or

5 (2) an authorized person under Section 10 has  
6 acknowledged a consent of one or both of the biological  
7 or legal parents of the child and an Illinois-licensed  
8 child welfare agency performing adoption services has  
9 counseled the biological or legal parent or parents of  
10 the child as to the birth parent rights and  
11 responsibilities under the Child Care Act of 1969 and  
12 the rules adopted thereunder.

13 C. Nothing in this Section overrides the requirements  
14 contained in Public Act 94-586.

15 (Source: P.A. 98-804, eff. 1-1-15; 99-49, eff. 7-15-15.)

16 (750 ILCS 50/11) (from Ch. 40, par. 1513)

17 Sec. 11. Consents, surrenders, waivers, irrevocability.

18 (a) A consent to adoption or standby adoption by a parent,  
19 including a minor, executed and acknowledged in accordance with  
20 the provisions of Section 10 of this Act, or a surrender of a  
21 child by a parent, including a minor, to an agency for the  
22 purpose of adoption shall be irrevocable unless it shall have  
23 been obtained by fraud or duress on the part of the person  
24 before whom such consent, surrender, or other document  
25 equivalent to a surrender is acknowledged pursuant to the

1 provisions of Section 10 of this Act or on the part of the  
2 adopting parents or their agents and a court of competent  
3 jurisdiction shall so find. No action to void or revoke a  
4 consent to or surrender for adoption, including an action based  
5 on fraud or duress, may be commenced after 12 months from the  
6 date the consent or surrender was executed. The consent or  
7 surrender of a parent who is a minor shall not be voidable  
8 because of such minority.

9 (a-1) A waiver signed by a putative or legal father,  
10 including a minor, executed and acknowledged in accordance with  
11 Section 10 of this Act, shall be irrevocable unless it shall  
12 have been obtained by fraud or duress on the part of the  
13 adopting parents or their agents and a court of competent  
14 jurisdiction shall so find. No action to void a waiver may be  
15 commenced after 12 months from the date the waiver was  
16 executed. The waiver of a putative or legal father who is a  
17 minor shall not be voidable because of such minority.

18 (b) The petitioners in an adoption proceeding are entitled  
19 to rely upon a sworn statement of the biological mother of the  
20 child to be adopted identifying the father of her child. The  
21 affidavit shall be conclusive evidence as to the biological  
22 mother regarding the facts stated therein, and shall create a  
23 rebuttable presumption of truth as to the biological father  
24 only. Except as provided in Section 11 of this Act, the  
25 biological mother of the child shall be permanently barred from  
26 attacking the proceeding thereafter. The biological mother, l



1 including a biological mother who is a petitioner, shall  
 2 execute such affidavit in writing and under oath. The affidavit  
 3 shall be executed by the biological mother before or at the  
 4 time of execution of the consent or surrender, and shall be  
 5 retained by the court and be a part of the Court's files. The  
 6 form of affidavit shall be substantially as follows:

AFFIDAVIT OF IDENTIFICATION

8 I, ....., the mother of a (male or female)  
 9 child, state under oath or affirm as follows:

10 (1) That the child was born, or is expected to be born, on  
 11 (insert date), at ....., in the State of  
 12 .....

13 (2) That I reside at ....., in the City or  
 14 Village of ....., State of .....

15 (3) That I am of the age of ..... years.

16 (4) That I acknowledge that I have been asked to identify  
 17 the father of my child.

18 (5) (CHECK ONE)

19 .... I know and am identifying the biological father.

20 .... I do not know the identity of the biological father.

21 .... I am unwilling to identify the biological father.

22 (6A) If I know and am identifying the father:

23 That the name of the biological father is  
 24 .....; his last known home address is  
 25 .....; his last known work address is  
 26 .....; and he is ..... years of age; or he is

1 deceased, having died on (insert date) at ....., in  
2 the State of .....

3 (6B) If I do not know the identity of the biological  
4 father:

5 I do not know who the biological father is; the following  
6 is an explanation of why I am unable to identify him:

7 .....  
8 .....  
9 .....

10 (6C) If I am unwilling to identify the biological father:

11 I do not wish to name the biological father of the child  
12 for the following reasons:

13 .....  
14 .....  
15 .....

16 (7) (CHECK ONE)

17 .... I am married to the biological father.

18 .... I am not and have not been married to the biological  
19 father within 300 days of the child's birth.

20 .... The child has another legal parent who is not the  
21 biological parent (please explain):

22 .....  
23 .....  
24 .....

25 (8) Regarding whether a court order has been entered by any  
26 court finding any person to be the biological father or legal

1 parent of the child: (CHECK ONE)

2 .... No, a court order has not been entered.

3 .... Yes, a court order has been entered and it is Case No.

4 ..... in the Circuit Court located in ..... County  
5 (if the case number and county is known).

6 .... I do not know whether there are any court or other  
7 proceedings related to a finding of any person to be the  
8 biological father or legal parent of the child.

9 (9) ~~(7)~~ The physical description of the biological father  
10 is:.....  
11 .....  
12 .....

13 (10) ~~(8)~~ I reaffirm that the information contained in this  
14 Affidavit ~~paragraphs 5, 6, and 7, inclusive,~~ is true and  
15 correct.

16 (11) ~~(9)~~ I have been informed and understand that if I am  
17 unwilling, refuse to identify, or misidentify the biological  
18 father of the child, absent fraud or duress, I am permanently  
19 barred from attacking the proceedings for the adoption of the  
20 child at any time after I sign a final and irrevocable consent  
21 to adoption or surrender for purposes of adoption.

22 (12) ~~(10)~~ I have read this Affidavit and have had the  
23 opportunity to review and question it; it was explained to me  
24 by .....; and I am signing it as my free  
25 and voluntary act and understand the contents and the results  
26 of signing it.

1 Dated (insert date).

2 .....

3 Signature

4 Under penalties as provided by law under Section 1-109 of  
5 the Code of Civil Procedure, the undersigned certifies that the  
6 statements set forth in this Affidavit are true and correct.

7 .....

8 Signature

9 (Source: P.A. 97-493, eff. 8-22-11.)

10 (750 ILCS 50/13) (from Ch. 40, par. 1516)

11 Sec. 13. Interim order. As soon as practicable after the  
12 filing of a petition for adoption the court shall hold a  
13 hearing for the following purposes:

14 A. In other than an adoption of a related child or an  
15 adoption through an agency, or of an adult:

16 (a) To determine the validity of the consent, provided  
17 that the execution of a consent pursuant to this Act shall  
18 be prima facie evidence of its validity, and provided that  
19 the validity of a consent shall not be affected by the  
20 omission therefrom of the names of the petitioners or  
21 adopting parents at the time the consent is executed or  
22 acknowledged, and further provided that the execution of a  
23 consent prior to the filing of a petition for adoption  
24 shall not affect its validity.

25 (b) To determine whether there is available suitable

1 temporary custodial care for a child sought to be adopted.

2 B. In all cases except standby adoptions and re-adoptions:

3 (a) The court shall appoint some licensed attorney  
4 other than the State's attorney acting in his or her  
5 official capacity as guardian ad litem to represent a child  
6 sought to be adopted. Such guardian ad litem shall have  
7 power to consent to the adoption of the child, if such  
8 consent is required. In the case of a related adoption  
9 where the child sought to be adopted is not a youth in  
10 care, the court shall have the discretion to waive the  
11 appointment of a guardian ad litem.

12 (b) The court shall appoint a guardian ad litem for all  
13 named minors or defendants who are persons under legal  
14 disability, if any. In the case of a related adoption where  
15 the child sought to be adopted is not a youth in care, the  
16 court shall have the discretion to waive the appointment of  
17 a guardian ad litem.

18 (c) If the petition alleges a person to be unfit  
19 pursuant to the provisions of subparagraph (p) of paragraph  
20 D of Section 1 of this Act, such person shall be  
21 represented by counsel. If such person is indigent or an  
22 appearance has not been entered on his behalf at the time  
23 the matter is set for hearing, the court shall appoint as  
24 counsel for him either the Guardianship and Advocacy  
25 Commission, the public defender, or, only if no attorney  
26 from the Guardianship and Advocacy Commission or the public

1 defender is available, an attorney licensed to practice law  
2 in this State.

3 (d) If it is proved to the satisfaction of the court,  
4 after such investigation as the court deems necessary, that  
5 termination of parental rights and temporary commitment of  
6 the child to an agency or to a person deemed competent by  
7 the court, including petitioners, will be for the welfare  
8 of the child, the court may order the child to be so  
9 committed and may terminate the parental rights of the  
10 parents and declare the child a ward of the court or, if it  
11 is not so proved, the court may enter such other order as  
12 it shall deem necessary and advisable.

13 (e) Before an interim custody order is granted under  
14 this Section, service of summons shall be had upon the  
15 parent or parents whose rights have not been terminated,  
16 except as provided in subsection (f). Reasonable notice and  
17 opportunity to be heard shall be given to the parent or  
18 parents after service of summons when the address of the  
19 parent or parents is available. The party seeking an  
20 interim custody order shall make all reasonable efforts to  
21 locate the parent or parents of the child or children they  
22 are seeking to adopt and to notify the parent or parents of  
23 the party's request for an interim custody order pursuant  
24 to this Section.

25 (f) An interim custody order may be granted without  
26 notice upon presentation to the court of a written

1 petition, accompanied by an affidavit, stating that there  
2 is an immediate danger to the child and that irreparable  
3 harm will result to the child if notice is given to the  
4 parent or parents or legal guardian. Upon making a finding  
5 that there is an immediate danger to the child if service  
6 of process is had upon and notice of hearing is given to  
7 the parent or parents or legal guardian prior to the entry  
8 of an order granting temporary custody to someone other  
9 than a parent or legal guardian, the court may enter an  
10 order of temporary custody which shall expire not more than  
11 10 days after its entry. Every ex parte custody order  
12 granted without notice shall state the injury which the  
13 court sought to avoid by granting the order, the  
14 irreparable injury that would have occurred had notice been  
15 given, and the reason the order was granted without notice.  
16 The matter shall be set down for full hearing before the  
17 expiration of the ex parte order and will be heard after  
18 service of summons is had upon and notice of hearing is  
19 given to the parent or parents or legal guardian. At the  
20 hearing the burden of proof shall be upon the party seeking  
21 to extend the interim custody order to show that the order  
22 was properly granted without notice and that custody should  
23 remain with the party seeking to adopt during the pendency  
24 of the adoption proceeding. If the interim custody order is  
25 extended, the reasons for granting the extension shall be  
26 stated in the order.

1 C. In the case of a child born outside the United States or  
2 a territory thereof, if the petitioners have previously been  
3 appointed guardians of such child by a court of competent  
4 jurisdiction in a country other than the United States or a  
5 territory thereof, the court may order that the petitioners  
6 continue as guardians of such child.

7 D. In standby adoption cases:

8 (a) The court shall appoint a licensed attorney other  
9 than the State's Attorney acting in his or her official  
10 capacity as guardian ad litem to represent a child sought  
11 to be adopted. The guardian ad litem shall have power to  
12 consent to the adoption of the child, if consent is  
13 required.

14 (b) The court shall appoint a guardian ad litem for all  
15 named minors or defendants who are persons under legal  
16 disability, if any. In the case of a related adoption where  
17 the child sought to be adopted is not a youth in care, the  
18 court shall have the discretion to waive the appointment of  
19 a guardian ad litem.

20 (c) The court lacks jurisdiction to proceed on the  
21 petition for standby adoption if the child has a living  
22 parent, adoptive parent, or adjudicated parent whose  
23 rights have not been terminated and whose whereabouts are  
24 known, unless the parent consents to the standby adoption  
25 or, after receiving notice of the hearing on the standby  
26 adoption petition, fails to object to the appointment of a



1 standby adoptive parent at the hearing on the petition.

2 (d) The court shall investigate as needed for the  
3 welfare of the child and shall determine whether the  
4 petitioner or petitioners shall be permitted to adopt.

5 (Source: P.A. 99-49, eff. 7-15-15.)

6 (750 ILCS 50/14) (from Ch. 40, par. 1517)

7 Sec. 14. Judgment.

8 (a) Prior to the entry of the judgment for order of  
9 adoption in any case other than an adoption of a related child  
10 or of an adult, each petitioner and each person, agency,  
11 association, corporation, institution, society or organization  
12 involved in the adoption of the child, except a child welfare  
13 agency, shall execute an affidavit setting forth the hospital  
14 and medical costs, legal fees, counseling fees, and any other  
15 fees or expenditures paid in accordance with ~~the Adoption~~  
16 ~~Compensation Prohibition Act~~ or Section 12C-70 of the Criminal  
17 Code of 2012.

18 (b) Before the entry of the judgment for adoption, each  
19 child welfare agency involved in the adoption of the child  
20 shall file an affidavit concerning the costs, expenses,  
21 contributions, fees, compensation, or other things of value  
22 which have been given, promised, or received including but not  
23 limited to hospital and medical costs, legal fees, social  
24 services, living expenses, or any other expenses related to the  
25 adoption paid in accordance with the Adoption Compensation

1 Prohibition Act or Section 12C-70 of the Criminal Code of 2012.

2 If the total amount paid by the child welfare agency is  
3 \$4,500 or more, the affidavit shall contain an itemization of  
4 expenditures.

5 If the total amount paid by the child welfare agency is  
6 less than \$4,500, the agency may file an unitemized affidavit  
7 stating that the total amount paid is less than \$4,500 unless  
8 the court, in its discretion, requires that agency to file an  
9 itemized affidavit.

10 (c) No affidavit need be filed in the case of an adoption  
11 of a related child or an adult, nor shall an affidavit be  
12 required to be filed by a non-consenting parent, or by any  
13 judge, or clerk, involved in an official capacity in the  
14 adoption proceedings.

15 (d) All affidavits filed in accordance with this Section  
16 shall be under penalty of perjury and shall include, but are  
17 not limited to, hospital and medical costs, legal fees, social  
18 services, living expenses or any other expenses related to the  
19 adoption or to the placement of the child, whether or not the  
20 payments are permitted by applicable laws.

21 (e) Except as provided in subsections (f), (f-1), (f-2),  
22 and (f-5), upon ~~Upon~~ the expiration of 6 months after the date  
23 of any interim order vesting temporary care, custody and  
24 control of a child, other than a related child, in the  
25 petitioners, entered pursuant to this Act, the petitioners may  
26 apply to the court for a judgment of adoption. Notice of such

1 application shall be served by the petitioners upon the  
2 investigating agency or the person making such investigation,  
3 and the guardian ad litem. After the hearing on such  
4 application, at which the petitioners and the child shall  
5 appear in person, unless their presence is waived by the court  
6 for good cause shown, the court may enter a judgment for  
7 adoption, provided the court is satisfied from the report of  
8 the investigating agency or the person making the  
9 investigation, and from the evidence, if any, introduced, that  
10 the adoption is for the welfare of the child and that there is  
11 a valid consent, or that no consent is required as provided in  
12 Section 8 of this Act.

13 (f) A judgment for adoption of a related child, ~~an adult,~~  
14 ~~or a child as to whose adoption an agency or person authorized~~  
15 ~~by law has the right of authority to consent~~ may be entered at  
16 any time after service of process and after the return day  
17 designated therein.

18 (f-1) A judgment for adoption of an adult may be entered at  
19 any time after the adult has consented to the adoption.

20 (f-2) A judgment for adoption of a child as to whose  
21 adoption an Illinois-licensed child welfare agency, or person  
22 authorized by law, has the right of authority to consent may be  
23 entered at any time after placement and completion of  
24 investigation as required by this Act.

25 (f-5) A standby adoption judgment may be entered upon  
26 notice of the death of the consenting parent or upon the

1 consenting parent's request that a final judgment for adoption  
2 be entered. The notice must be provided to the court within 60  
3 days after the standby adoptive parent's receipt of knowledge  
4 of death of the consenting parent or the consenting parent's  
5 request that a final judgment for adoption be entered. If the  
6 court finds that adoption is for the welfare of the child and  
7 that there is a valid consent, including consent for standby  
8 adoption, which is still in effect, or that no consent is  
9 required under Section 8 of the Act, a judgment for adoption  
10 shall be entered unless the court finds by clear and convincing  
11 evidence that it is no longer in the best interest of the child  
12 for the adoption to be finalized.

13 (g) No special findings of fact or certificate of evidence  
14 shall be necessary in any case to support the judgment.

15 (h) Only the circuit court that entered the judgment of the  
16 adoption may order the issuance of any contents of the court  
17 file or that the original birth record of the adoptee be  
18 provided to any persons.

19 (Source: P.A. 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)