



## 102ND GENERAL ASSEMBLY

### State of Illinois

### 2021 and 2022

### SB0107

Introduced 2/3/2021, 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 a spouse or civil union partner is not required to join in a petition for the adoption of an adult if a petitioner is a former stepparent of that adult. 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); an adoption of an adult by a former stepparent; 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.

LRB102 04480 LNS 14499 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  
5 Sections 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

1 Records Act or Section 12a of this Act, or whose parent has had  
2 his or her parental rights terminated, is not a related child  
3 to that person, unless (1) the consent is determined to be void  
4 or is void pursuant to subsection O of Section 10 of this Act;  
5 or (2) the parent of the child executed a consent to adoption  
6 by a 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  
5 within 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  
17 deprived which can be overcome only by clear and  
18 convincing evidence: (1) first degree murder in violation  
19 of paragraph (1) ~~±~~ or (2) ~~±~~ of subsection (a) of Section  
20 9-1 of the Criminal Code of 1961 or the Criminal Code of  
21 2012 or 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  
25 of any child in violation of the Criminal Code of 1961 or  
26 the Criminal Code of 2012; (3) attempt or conspiracy to

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

25                 There is a rebuttable presumption that a parent is  
26                 depraved if the parent has been criminally convicted of at

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

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

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

16 (j) Open and notorious adultery or fornication.

17 (j-1) (Blank).

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

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

1 defined in subsection (f) of Section 102 of the Illinois  
2 Controlled Substances Act or metabolites of such  
3 substances, the presence of which in the newborn infant  
4 was not the result of medical treatment administered to  
5 the mother or the newborn infant; and the biological  
6 mother of this child is the biological mother of at least  
7 one other child who was adjudicated a neglected minor  
8 under subsection (c) of Section 2-3 of the Juvenile Court  
9 Act of 1987.

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

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



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

21 (m-1) (Blank).

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

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

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

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

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

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

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

1 developmental disability as defined in Section 1-106 of  
2 that Code, and there is sufficient justification to  
3 believe that the inability to discharge parental  
4 responsibilities shall extend beyond a reasonable time  
5 period. However, this subdivision (p) shall not be  
6 construed so as to permit a licensed clinical social  
7 worker to conduct any medical diagnosis to determine  
8 mental illness or mental impairment.

9 (q) (Blank).

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

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

1 incarceration has prevented the parent from discharging  
2 his or her parental responsibilities for the child.

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

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

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

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

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

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

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

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

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

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

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

1           G. The singular includes the plural and the plural  
2 includes the singular and the "male" includes the "female", as  
3 the context of this Act may require.

4           H. (Blank).

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

8           J. "Immediate relatives" means the biological parents, the  
9 parents of the biological parents and siblings of the  
10 biological parents.

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

17           L. (Blank).

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

23           N. (Blank).

24           O. "Preadoption requirements" means any conditions or  
25 standards established by the laws or administrative rules of  
26 this State that must be met by a prospective adoptive parent

1 prior to the placement of a child in an adoptive home.

2 P. "Abused child" means a child whose parent or immediate  
3 family member, or any person responsible for the child's  
4 welfare, or any individual residing in the same home as the  
5 child, or a paramour of the child's parent:

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

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

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

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

22 (e) inflicts excessive corporal punishment.

23 Q. "Neglected child" means any child whose parent or other  
24 person responsible for the child's welfare withholds or denies  
25 nourishment or medically indicated treatment including food or  
26 care denied solely on the basis of the present or anticipated



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

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

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

1 "Putative father" does not mean a man who is the child's father  
2 as a result of criminal sexual abuse or assault as defined  
3 under Article 11 of the Criminal Code of 2012.

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

9 T. (Blank).

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

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

19 V. (Blank).

20 W. (Blank).

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

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

1 Records Act or a waiver pursuant to Section 10 of this Act;  
2 or

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

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

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

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

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

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

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

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

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

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

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

15          Z. "Department" means the Illinois Department of Children  
16          and Family Services.

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

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

1 CC. "Adoption dissolution" means a circumstance where the  
2 child is removed from an adoptive placement after the adoption  
3 is finalized.

4 DD. "Unregulated placement" means the secondary placement  
5 of a child that occurs without the oversight of the courts, the  
6 Department, or a licensed child welfare agency.

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

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

15 (Source: P.A. 100-159, eff. 8-18-17; 101-155, eff. 1-1-20;  
16 101-529, eff. 1-1-20; revised 9-17-19.)

17 (750 ILCS 50/2) (from Ch. 40, par. 1502)

18 Sec. 2. Who may adopt a child.

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

1 (a) A reputable person of legal age and of either sex,  
2 provided that if such person is married or in a civil union  
3 and has not been living separate and apart from his or her  
4 spouse or civil union partner for 12 months or longer, his  
5 or her spouse or civil union partner shall be a party to  
6 the adoption proceeding, including a spouse or civil union  
7 partner desiring to adopt a child of the other spouse or  
8 civil union partner, in all of which cases the adoption  
9 shall be by both spouses or civil union partners jointly;

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

11 (c) Notwithstanding sub-paragraph (a) of this  
12 subsection, a spouse or civil union partner is not  
13 required to join in a petition for adoption for the  
14 adoption of an adult if a petitioner is a former  
15 stepparent of that adult, or to re-adopt a child after an  
16 intercountry adoption if the spouse or civil union partner  
17 did not previously adopt the child as set forth in  
18 subsections (c) and (e) of Section 4.1 of this Act. For  
19 purposes of this Section, "former stepparent" means a  
20 person who was married to, or in a civil union with, the  
21 legal parent of the adult seeking to be adopted, and the  
22 marriage or civil union has ended.

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

25 (a) an adoption of a related child; ~~or~~

26 (a-1) an adoption of a child previously adopted in a

1 foreign country by the petitioner; ~~or~~

2 (b) an adoption of a child placed by an  
3 Illinois-licensed child welfare ~~an~~ agency performing  
4 adoption services;

5 (c) an adoption of an adult by a former stepparent; or

6 (d) an adoption of a child born in this State who has  
7 resided continuously in this State since birth, or a child  
8 who has continuously resided in this State for at least 6  
9 months immediately preceding the commencement of the  
10 adoption proceeding, if:

11 (1) an Illinois-licensed child welfare agency  
12 performing adoption services has acknowledged a  
13 consent or surrender of one or both of the biological  
14 or legal parents of the child under this Act and the  
15 Child Care Act of 1969; or

16 (2) an authorized person under Section 10 has  
17 acknowledged a consent of one or both of the  
18 biological or legal parents of the child and an  
19 Illinois-licensed child welfare agency performing  
20 adoption services has counseled the biological or  
21 legal parent or parents of the child as to the birth  
22 parent rights and responsibilities under the Child  
23 Care Act of 1969 and the rules adopted thereunder.

24 C. Nothing in this Section overrides the requirements  
25 contained in Public Act 94-586.

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

1 (750 ILCS 50/11) (from Ch. 40, par. 1513)

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

3 (a) A consent to adoption or standby adoption by a parent,  
4 including a minor, executed and acknowledged in accordance  
5 with the provisions of Section 10 of this Act, or a surrender  
6 of a child by a parent, including a minor, to an agency for the  
7 purpose of adoption shall be irrevocable unless it shall have  
8 been obtained by fraud or duress on the part of the person  
9 before whom such consent, surrender, or other document  
10 equivalent to a surrender is acknowledged pursuant to the  
11 provisions of Section 10 of this Act or on the part of the  
12 adopting parents or their agents and a court of competent  
13 jurisdiction shall so find. No action to void or revoke a  
14 consent to or surrender for adoption, including an action  
15 based on fraud or duress, may be commenced after 12 months from  
16 the date the consent or surrender was executed. The consent or  
17 surrender of a parent who is a minor shall not be voidable  
18 because of such minority.

19 (a-1) A waiver signed by a putative or legal father,  
20 including a minor, executed and acknowledged in accordance  
21 with Section 10 of this Act, shall be irrevocable unless it  
22 shall have been obtained by fraud or duress on the part of the  
23 adopting parents or their agents and a court of competent  
24 jurisdiction shall so find. No action to void a waiver may be  
25 commenced after 12 months from the date the waiver was



1 executed. The waiver of a putative or legal father who is a  
2 minor shall not be voidable because of such minority.

3 (b) The petitioners in an adoption proceeding are entitled  
4 to rely upon a sworn statement of the biological mother of the  
5 child to be adopted identifying the father of her child. The  
6 affidavit shall be conclusive evidence as to the biological  
7 mother regarding the facts stated therein, and shall create a  
8 rebuttable presumption of truth as to the biological father  
9 only. Except as provided in Section 11 of this Act, the  
10 biological mother of the child shall be permanently barred  
11 from attacking the proceeding thereafter. The biological  
12 mother, including a biological mother who is a petitioner,  
13 shall execute such affidavit in writing and under oath. The  
14 affidavit shall be executed by the biological mother before or  
15 at the time of execution of the consent or surrender, and shall  
16 be retained by the court and be a part of the Court's files.  
17 The form of affidavit shall be substantially as follows:

18 AFFIDAVIT OF IDENTIFICATION

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

21 (1) That the child was born, or is expected to be born, on  
22 (insert date), at ....., in the State of  
23 .....

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

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

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

3 (5) (CHECK ONE)

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

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

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

7 (6A) If I know and am identifying the father:

8 That the name of the biological father is  
9 .....; his last known home address is  
10 .....; his last known work address is  
11 .....; and he is ..... years of age; or he is  
12 deceased, having died on (insert date) at ....., in  
13 the State of .....

14 (6B) If I do not know the identity of the biological  
15 father:

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

18 .....  
19 .....  
20 .....

21 (6C) If I am unwilling to identify the biological father:

22 I do not wish to name the biological father of the child  
23 for the following reasons:

24 .....  
25 .....  
26 .....

1           (7) (CHECK ONE)

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

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

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

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

10          (8) Regarding whether a court order has been entered by  
11 any court finding any person to be the biological father or  
12 legal parent of the child: (CHECK ONE)

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

14          .... Yes, a court order has been entered and it is Case No.  
15 ..... in the Circuit Court located in ..... County  
16 (if the case number and county is known).

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

20          (9) ~~(7)~~ The physical description of the biological father  
21 is:.....  
22               .....  
23               .....

24          (10) ~~(8)~~ I reaffirm that the information contained in this  
25 Affidavit ~~paragraphs 5, 6, and 7, inclusive,~~ is true and  
26 correct.



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

3           (a) To determine the validity of the consent, provided  
4 that the execution of a consent pursuant to this Act shall  
5 be prima facie evidence of its validity, and provided that  
6 the validity of a consent shall not be affected by the  
7 omission therefrom of the names of the petitioners or  
8 adopting parents at the time the consent is executed or  
9 acknowledged, and further provided that the execution of a  
10 consent prior to the filing of a petition for adoption  
11 shall not affect its validity.

12           (b) To determine whether there is available suitable  
13 temporary custodial care for a child sought to be adopted.

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

15           (a) The court shall appoint some licensed attorney  
16 other than the State's attorney acting in his or her  
17 official capacity as guardian ad litem to represent a  
18 child sought to be adopted. Such guardian ad litem shall  
19 have power to consent to the adoption of the child, if such  
20 consent is required. In the case of a related adoption  
21 where the child sought to be adopted is not a youth in  
22 care, the court shall have the discretion to waive the  
23 appointment of a guardian ad litem.

24           (b) The court shall appoint a guardian ad litem for  
25 all named minors or defendants who are persons under legal  
26 disability, if any. In the case of a related adoption

1       where the child sought to be adopted is not a youth in  
2       care, the court shall have the discretion to waive the  
3       appointment of a guardian ad litem.

4           (c) If the petition alleges a person to be unfit  
5       pursuant to the provisions of subparagraph (p) of  
6       paragraph D of Section 1 of this Act, such person shall be  
7       represented by counsel. If such person is indigent or an  
8       appearance has not been entered on his behalf at the time  
9       the matter is set for hearing, the court shall appoint as  
10      counsel for him either the Guardianship and Advocacy  
11      Commission, the public defender, or, only if no attorney  
12      from the Guardianship and Advocacy Commission or the  
13      public defender is available, an attorney licensed to  
14      practice law in this State.

15          (d) If it is proved to the satisfaction of the court,  
16      after such investigation as the court deems necessary,  
17      that termination of parental rights and temporary  
18      commitment of the child to an agency or to a person deemed  
19      competent by the court, including petitioners, will be for  
20      the welfare of the child, the court may order the child to  
21      be so committed and may terminate the parental rights of  
22      the parents and declare the child a ward of the court or,  
23      if it is not so proved, the court may enter such other  
24      order as it shall deem necessary and advisable.

25          (e) Before an interim custody order is granted under  
26      this Section, service of summons shall be had upon the

1 parent or parents whose rights have not been terminated,  
2 except as provided in subsection (f). Reasonable notice  
3 and opportunity to be heard shall be given to the parent or  
4 parents after service of summons when the address of the  
5 parent or parents is available. The party seeking an  
6 interim custody order shall make all reasonable efforts to  
7 locate the parent or parents of the child or children they  
8 are seeking to adopt and to notify the parent or parents of  
9 the party's request for an interim custody order pursuant  
10 to this Section.

11 (f) An interim custody order may be granted without  
12 notice upon presentation to the court of a written  
13 petition, accompanied by an affidavit, stating that there  
14 is an immediate danger to the child and that irreparable  
15 harm will result to the child if notice is given to the  
16 parent or parents or legal guardian. Upon making a finding  
17 that there is an immediate danger to the child if service  
18 of process is had upon and notice of hearing is given to  
19 the parent or parents or legal guardian prior to the entry  
20 of an order granting temporary custody to someone other  
21 than a parent or legal guardian, the court may enter an  
22 order of temporary custody which shall expire not more  
23 than 10 days after its entry. Every ex parte custody order  
24 granted without notice shall state the injury which the  
25 court sought to avoid by granting the order, the  
26 irreparable injury that would have occurred had notice

1        been given, and the reason the order was granted without  
2        notice. The matter shall be set down for full hearing  
3        before the expiration of the ex parte order and will be  
4        heard after service of summons is had upon and notice of  
5        hearing is given to the parent or parents or legal  
6        guardian. At the hearing the burden of proof shall be upon  
7        the party seeking to extend the interim custody order to  
8        show that the order was properly granted without notice  
9        and that custody should remain with the party seeking to  
10       adopt during the pendency of the adoption proceeding. If  
11       the interim custody order is extended, the reasons for  
12       granting the extension shall be stated in the order.

13       C. In the case of a child born outside the United States or  
14       a territory thereof, if the petitioners have previously been  
15       appointed guardians of such child by a court of competent  
16       jurisdiction in a country other than the United States or a  
17       territory thereof, the court may order that the petitioners  
18       continue as guardians of such child.

19       D. In standby adoption cases:

20            (a) The court shall appoint a licensed attorney other  
21       than the State's Attorney acting in his or her official  
22       capacity as guardian ad litem to represent a child sought  
23       to be adopted. The guardian ad litem shall have power to  
24       consent to the adoption of the child, if consent is  
25       required.

26            (b) The court shall appoint a guardian ad litem for



1 all named minors or defendants who are persons under legal  
2 disability, if any. In the case of a related adoption  
3 where the child sought to be adopted is not a youth in  
4 care, the court shall have the discretion to waive the  
5 appointment of a guardian ad litem.

6 (c) The court lacks jurisdiction to proceed on the  
7 petition for standby adoption if the child has a living  
8 parent, adoptive parent, or adjudicated parent whose  
9 rights have not been terminated and whose whereabouts are  
10 known, unless the parent consents to the standby adoption  
11 or, after receiving notice of the hearing on the standby  
12 adoption petition, fails to object to the appointment of a  
13 standby adoptive parent at the hearing on the petition.

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

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

18 (750 ILCS 50/14) (from Ch. 40, par. 1517)

19 Sec. 14. Judgment.

20 (a) Prior to the entry of the judgment for order of  
21 adoption in any case other than an adoption of a related child  
22 or of an adult, each petitioner and each person, agency,  
23 association, corporation, institution, society or organization  
24 involved in the adoption of the child, except a child welfare  
25 agency, shall execute an affidavit setting forth the hospital

1 and medical costs, legal fees, counseling fees, and any other  
2 fees or expenditures paid in accordance with ~~the Adoption~~  
3 ~~Compensation Prohibition Act~~ or Section 12C-70 of the Criminal  
4 Code of 2012.

5 (b) Before the entry of the judgment for adoption, each  
6 child welfare agency involved in the adoption of the child  
7 shall file an affidavit concerning the costs, expenses,  
8 contributions, fees, compensation, or other things of value  
9 which have been given, promised, or received including but not  
10 limited to hospital and medical costs, legal fees, social  
11 services, living expenses, or any other expenses related to  
12 the adoption paid in accordance with the Adoption Compensation  
13 Prohibition Act or Section 12C-70 of the Criminal Code of  
14 2012.

15 If the total amount paid by the child welfare agency is  
16 \$4,500 or more, the affidavit shall contain an itemization of  
17 expenditures.

18 If the total amount paid by the child welfare agency is  
19 less than \$4,500, the agency may file an unitemized affidavit  
20 stating that the total amount paid is less than \$4,500 unless  
21 the court, in its discretion, requires that agency to file an  
22 itemized affidavit.

23 (c) No affidavit need be filed in the case of an adoption  
24 of a related child or an adult, nor shall an affidavit be  
25 required to be filed by a non-consenting parent, or by any  
26 judge, or clerk, involved in an official capacity in the

1 adoption proceedings.

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

8 (e) Except as provided in subsections (f), (f-1), (f-2),  
9 and (f-5), upon ~~Upon~~ the expiration of 6 months after the date  
10 of any interim order vesting temporary care, custody and  
11 control of a child, other than a related child, in the  
12 petitioners, entered pursuant to this Act, the petitioners may  
13 apply to the court for a judgment of adoption. Notice of such  
14 application shall be served by the petitioners upon the  
15 investigating agency or the person making such investigation,  
16 and the guardian ad litem. After the hearing on such  
17 application, at which the petitioners and the child shall  
18 appear in person, unless their presence is waived by the court  
19 for good cause shown, the court may enter a judgment for  
20 adoption, provided the court is satisfied from the report of  
21 the investigating agency or the person making the  
22 investigation, and from the evidence, if any, introduced, that  
23 the adoption is for the welfare of the child and that there is  
24 a valid consent, or that no consent is required as provided in  
25 Section 8 of this Act.

26 (f) A judgment for adoption of a related child, ~~an adult,~~

1 ~~er a child as to whose adoption an agency or person authorized~~  
2 ~~by law has the right of authority to consent~~ may be entered at  
3 any time after service of process and after the return day  
4 designated therein.

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

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

12 (f-5) A standby adoption judgment may be entered upon  
13 notice of the death of the consenting parent or upon the  
14 consenting parent's request that a final judgment for adoption  
15 be entered. The notice must be provided to the court within 60  
16 days after the standby adoptive parent's receipt of knowledge  
17 of death of the consenting parent or the consenting parent's  
18 request that a final judgment for adoption be entered. If the  
19 court finds that adoption is for the welfare of the child and  
20 that there is a valid consent, including consent for standby  
21 adoption, which is still in effect, or that no consent is  
22 required under Section 8 of the Act, a judgment for adoption  
23 shall be entered unless the court finds by clear and  
24 convincing evidence that it is no longer in the best interest  
25 of the child for the adoption to be finalized.

26 (g) No special findings of fact or certificate of evidence

1 shall be necessary in any case to support the judgment.

2 (h) Only the circuit court that entered the judgment of  
3 the adoption may order the issuance of any contents of the  
4 court file or that the original birth record of the adoptee be  
5 provided to any persons.

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