

1 AMENDMENT TO HOUSE BILL 2136

2 AMENDMENT NO. _____. Amend House Bill 2136 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Adoption Act is amended by changing
5 Sections 18.2, 18.3a, and 18.4 as follows:

6 (750 ILCS 50/18.2) (from Ch. 40, par. 1522.2)
7 Sec. 18.2. Forms.

8 (a) The form of the Birth Parent Registration
9 Identification Form shall be substantially as follows:

10 BIRTH PARENT REGISTRATION IDENTIFICATION

11 (Insert all known information)

12 I,, state that I am the (mother or father) of
13 the following child:

14 Child's original name: (first) (middle)
15 (last), (hour of birth), (date of
16 birth), (city and state of birth), (name
17 of hospital).

18 Father's full name: (first) (middle)
19 (last), (date of birth), (city and state
20 of birth).

21 Name of mother inserted on birth certificate:
22 (first) (middle) (last), (race),

1 parent with adoptee (if known): (first)
 2 (middle) (last), (race), and name of
 3 common birth parent: (first) (middle)
 4 (last), (race).

5 I was adopted through: (name of agency).

6 I was adopted privately: (state "yes" if known).

7 I was adopted in (city and state), (approximate
 8 date).

9 Other identifying information:

10
 11 (signature of adoptee)
 12
 13 (date) (printed name of adoptee)

14 (c) The form of the Surrendered Person Registration
 15 Identification shall be substantially as follows:

16 SURRENDERED PERSON REGISTRATION

17 IDENTIFICATION

18 (Insert all known information)

19 I,, state the following:

20 Surrendered Person's present name: (first)
 21 (middle) (last).

22 Surrendered Person's name at birth (if known):
 23 (first) (middle) (last),(birth
 24 date), (city and state of birth),
 25 (sex), (race).

26 Name of guardian father: (first) (middle)
 27 (last), (race).

28 Maiden name of guardian mother: (first)
 29 (middle) (last), (race).

30 Name of birth mother (if known): (first)
 31 (middle) (last) (race).

32 Name of birth father (if known): (first)
 33 (middle) (last),(race).

34 Name(s) at birth of sibling(s) having a common birth

1 parent with surrendered person (if known):
 2 (first) (middle) (last), (race),
 3 and name of common birth parent: (first)
 4 (middle) (last), (race).

5 I was surrendered for adoption to: (name of agency).

6 I was surrendered for adoption in (city and state),
 7 (approximate date).

8 Other identifying information:

9
 10 (signature of surrendered person)
 11
 12 (date) (printed name of person
 13 surrendered for adoption)

14 (d) The form of the Information Exchange Authorization
 15 shall be substantially as follows:

16 INFORMATION EXCHANGE AUTHORIZATION

17 I,, state that I am the person who completed the
 18 Registration Identification; that I am of the age of
 19 years; that I hereby authorize the Department of Public
 20 Health to give to my (birth parent) (birth sibling)
 21 (surrendered child) the following (please check the
 22 information authorized for exchange):

- 23 [] 1. Only my name and last known address.
- 24 [] 2. A copy of my Illinois Adoption Registry
 25 Application.
- 26 [] 3. A copy of the original certificate of live
 27 birth.

28 I am fully aware that I can only be supplied with any
 29 information about my (birth parent) (birth sibling)
 30 (surrendered child) if such person has duly executed an
 31 Information Exchange Authorization for such information which
 32 has not been revoked; that I can be contacted by writing to:
 33 (own name or name of person to contact) (address)
 34 (phone number).

1 Dated (insert date).

2
3 {witness} (signature)

4 (e) The form of the Denial of Information Exchange shall
5 be substantially as follows:

6 DENIAL OF INFORMATION EXCHANGE

7 I,, state that I am the person who completed the
8 Registration Identification; that I am of the age of
9 years; that I hereby instruct the Department of Public Health
10 not to give any identifying information about me to my (birth
11 parent) (birth sibling) (surrendered child); that I do not
12 wish to be contacted.

13 Dated (insert date).

14
15 {witness} (signature)

16 (f) The Information Exchange Authorization and the
17 Denial of Information Exchange shall be acknowledged by the
18 birth parent, birth sibling, adopted or surrendered person,
19 adoptive parent, or legal guardian before a notary public, in
20 form substantially as follows:

21 State of

22 County of

23 I, a Notary Public, in and for the said County, in the
24 State aforesaid, do hereby certify that
25 personally known to me to be the same person whose name is
26 subscribed to the foregoing certificate of acknowledgement,
27 appeared before me in person and acknowledged that (he or
28 she) signed such certificate as (his or her) free and
29 voluntary act and that the statements in such certificate are
30 true.

31 Given under my hand and notarial seal on (insert date).

32
33 (signature)

1 (g) When the execution of an Information Exchange
 2 Authorization or a Denial of Information Exchange is
 3 acknowledged before a representative of an agency, such
 4 representative shall have his signature on said Certificate
 5 acknowledged before a notary public, in form substantially as
 6 follows:

7 State of.....
 8 County of.....

9 I, a Notary Public, in and for the said County, in the
 10 State aforesaid, do hereby certify that personally
 11 known to me to be the same person whose name is subscribed to
 12 the foregoing certificate of acknowledgement, appeared before
 13 me in person and acknowledged that (he or she) signed such
 14 certificate as (his or her) free and voluntary act and that
 15 the statements in such certificate are true.

16 Given under my hand and notarial seal on (insert date).

17
 18 (signature)

19 (h) When an Illinois Adoption Registry Application,
 20 Information Exchange Authorization or a Denial of Information
 21 Exchange is executed in a foreign country, the execution of
 22 such document shall be acknowledged or affirmed before an
 23 officer of the United States consular services.

24 (i) If the person signing an Information Exchange
 25 Authorization or a Denial of Information is in the military
 26 service of the United States, the execution of such document
 27 may be acknowledged before a commissioned officer and the
 28 signature of such officer on such certificate shall be
 29 verified or acknowledged before a notary public or by such
 30 other procedure as is then in effect for such division or
 31 branch of the armed forces.

32 (j) The Department shall modify these forms as necessary
 33 to implement the provisions of this amendatory Act of 1999
 34 including creating Registration Identification Forms for

1 non-surrendered birth siblings, adoptive parents and legal
2 guardians.

3 (Source: P.A. 91-357, eff. 7-29-99; 91-417, eff. 1-1-00.)

4 (750 ILCS 50/18.3a) (from Ch. 40, par. 1522.3a)

5 Sec. 18.3a. Confidential intermediary. (a) General
6 purposes. Notwithstanding any other provision of this Act,
7 any adopted person over the age of 21, any adoptive parent or
8 legal guardian of an adopted person under the age of 21, or
9 any birth parent of an adopted person who is over the age of
10 21 may petition the court in any county in the State of
11 Illinois for appointment of a confidential intermediary as
12 provided in this Section for the purpose of exchanging
13 medical information with one or more mutually consenting
14 biological relatives, obtaining identifying information about
15 one or more mutually consenting biological relatives, or
16 arranging contact with one or more mutually consenting
17 biological relatives. Additionally, in cases where an adopted
18 or surrendered person is deceased, an adult child of the
19 adopted or surrendered person may file a petition under this
20 Section and in cases where the birth parent is deceased, an
21 adult birth sibling of the adoptee or the deceased birth
22 parent may file a petition under this Section for the purpose
23 of exchanging medical information with one or more mutually
24 consenting biological relatives, obtaining identifying
25 information about one or more mutually consenting biological
26 relatives, or arranging contact with one or more mutually
27 consenting biological relatives.

28 (b) Petition. Upon petition by an adopted person over
29 the age of 21, an adoptive parent or legal guardian of an
30 adopted person under the age of 21, or a birth parent of an
31 adopted person who is over the age of 21, the court shall
32 appoint a confidential intermediary without a hearing. Upon
33 petition by an adult child of an adopted person who is

1 deceased or by an adult birth sibling of an adoptee whose
2 birth parent is deceased or by an adult sibling of a birth
3 parent who is deceased, the court may appoint a confidential
4 intermediary if the court finds that the disclosure is of
5 greater benefit than nondisclosure. The petition shall state
6 which biological relative or relatives are being sought and
7 shall indicate if the petitioner wants to do any one or more
8 of the following: exchange medical information with the
9 biological relative or relatives, obtain identifying
10 information from the biological relative or relatives, or to
11 arrange contact with the biological relative.

12 (c) Fees and expenses. The court shall condition the
13 appointment of the confidential intermediary on the
14 petitioner's payment of the intermediary's fees and expenses
15 in advance of the commencement of the work of the
16 confidential intermediary.

17 (d) Eligibility of intermediary. The court may appoint
18 as confidential intermediary either an employee of the
19 Illinois Department of Children and Family Services
20 designated by the Department to serve as such, any other
21 person certified by the Department as qualified to serve as a
22 confidential intermediary, or any employee of a licensed
23 child welfare agency certified by the agency as qualified to
24 serve as a confidential intermediary.

25 (e) Access. Notwithstanding any other provision of
26 State law, the confidential intermediary shall have access to
27 all records of the court or any agency, school, or hospital,
28 public or private, which relate to the adoption or the
29 identity and location of any adopted person or his or her
30 adoptive parents, legal guardians, adult children of a
31 deceased adopted person, birth parent, birth sibling, or
32 sibling of a deceased birth parent. Confidential
33 intermediaries shall be authorized to inspect confidential
34 relinquishment, adoption, and other records.

1 (f) Duties of confidential intermediary in conducting a
2 search. In conducting a search under this Section, the
3 confidential intermediary shall first confirm that there is
4 no Denial of Information Exchange on file with the Illinois
5 Adoption Registry. If the petitioner is an adult child of an
6 adopted person who is deceased, the confidential intermediary
7 shall additionally confirm that the adopted person did not
8 file a Denial of Information Exchange with the Illinois
9 Adoption Registry during his or her life. If the petitioner
10 is an adult birth sibling of an adopted person or an adult
11 sibling of a birth parent who is deceased, the confidential
12 intermediary shall additionally confirm that the birth parent
13 did not file a Denial of Information Exchange with the
14 Registry during his or her life.

15 In conducting a search under this Section, the
16 confidential intermediary shall attempt to locate the
17 relative or relatives with whom the petitioner has requested.
18 If the sought-after relative is deceased or cannot be located
19 after a diligent search, the confidential intermediary may
20 contact adult biological relatives of the sought-after
21 relative.

22 The confidential intermediary shall contact a
23 sought-after relative on behalf of the petitioner in a manner
24 that respects the sought-after relative's privacy and shall
25 inform the sought-after relative of the petitioner's request
26 for medical information, identifying information or contact
27 as stated in the petition. Based upon the terms of the
28 petitioner's request, the confidential intermediary shall
29 contact a sought-after relative on behalf of the petitioner
30 and inform the sought-after relative of the following
31 options:

32 (1) The sought-after relative may totally reject one or
33 all of the requests for medical information, identifying
34 information or contact. The sought-after relative shall be

1 informed that they can provide a medical questionnaire to be
2 forwarded to the petitioner without releasing any identifying
3 information. The confidential intermediary shall inform the
4 petitioner of the sought-after relative's decision to reject
5 the sharing of information and contact.

6 (2) The sought-after relative may consent to completing
7 a medical questionnaire only. In this case, the confidential
8 intermediary shall provide the questionnaire and ask the
9 sought-after relative to complete it. The confidential
10 intermediary shall forward the completed questionnaire to the
11 petitioner and inform the petitioner of the sought-after
12 relative's desire to not provide any additional information.

13 (3) The sought-after relative may communicate with the
14 petitioner without having his or her identity disclosed. In
15 this case, the confidential intermediary shall arrange the
16 desired communication in a manner that protects the identity
17 of the sought-after relative. The confidential intermediary
18 shall inform the petitioner of the sought-after relative's
19 decision to communicate but not disclose his or her identity.

20 (4) The sought after relative may consent to initiate
21 contact with the petitioner. If both the petitioner and the
22 sought-after relative or relatives are eligible to register
23 with the Illinois Adoption Registry, the confidential
24 intermediary shall provide the necessary application forms
25 and request that the sought-after relative register with the
26 Illinois Adoption Registry. If either the petitioner or the
27 sought-after relative or relatives are ineligible to register
28 with the Illinois Adoption Registry, the confidential
29 intermediary shall obtain written consents from both parties
30 that they wish to disclose their identities to each other and
31 to have contact with each other.

32 (g) Oath. The confidential intermediary shall sign an
33 oath of confidentiality substantially as follows: "I,
34, being duly sworn, on oath depose and say: As a

1 condition of appointment as a confidential intermediary, I
2 affirm that:

3 (1) I will not disclose to the petitioner, directly
4 or indirectly, any confidential information except in a
5 manner consistent with the law.

6 (2) I recognize that violation of this oath
7 subjects me to civil liability and to being found in
8 contempt of court.

9 SUBSCRIBED AND SWORN to before me, a Notary Public, on
10 (insert date)
11"

12 (h) Sanctions. Any confidential intermediary who
13 improperly discloses confidential information identifying a
14 sought-after relative shall be liable to the sought-after
15 relative for damages and may also be found in contempt of
16 court.

17 (i) Death of person being sought. Notwithstanding any
18 other provision of this Act, if the confidential intermediary
19 discovers that the person being sought has died, he or she
20 shall report this fact to the court, along with a copy of the
21 death certificate.

22 (j) Any confidential information obtained by the
23 confidential intermediary during the course of his or her
24 search shall be kept strictly confidential and shall be used
25 for the purpose of arranging contact between the petitioner
26 and the sought-after birth relative. At the time the case is
27 closed, all identifying information shall be returned to the
28 court for inclusion in the impounded adoption file.

29 (k) If the petitioner is an adopted person over the age
30 of 21 or the adoptive parent or legal guardian of an adopted
31 person under the age of 21, any non-identifying information,
32 as defined in Section 18.4, that is ascertained during the
33 course of the search may be given in writing to the
34 petitioner before the case is closed.

1 (l) Except as provided in subsection (h) of this
 2 Section, no liability shall accrue to the State, any State
 3 agency, any judge, any officer or employee of the court, any
 4 certified confidential intermediary, or any agency designated
 5 to oversee confidential intermediary services for acts,
 6 omissions, or efforts made in good faith within the scope of
 7 this Section.

8 (a) ~~General purposes. Notwithstanding any other~~
 9 ~~provision of this Act, any adopted person over the age of 21~~
 10 ~~or any adoptive parent or legal guardian of an adopted person~~
 11 ~~under the age of 21 may petition the court for appointment of~~
 12 ~~a confidential intermediary as provided in this Section for~~
 13 ~~the purpose of obtaining from one or both birth parents or a~~
 14 ~~sibling or siblings of the adopted person information~~
 15 ~~concerning the background of a psychological or~~
 16 ~~genetically based medical problem experienced or which may be~~
 17 ~~expected to be experienced in the future by the adopted~~
 18 ~~person or obtaining assistance in treating such a problem.~~

19 (b) ~~Petition. The court shall appoint a confidential~~
 20 ~~intermediary for the purposes described in subsection (f) if~~
 21 ~~the petitioner shows the following:~~

22 (1) ~~the adopted person is suffering or may be~~
 23 ~~expected to suffer in the future from a life threatening~~
 24 ~~or substantially incapacitating physical illness of any~~
 25 ~~nature, or a psychological disturbance which is~~
 26 ~~substantially incapacitating but not life threatening, or~~
 27 ~~a mental illness which, in the opinion of a physician~~
 28 ~~licensed to practice medicine in all its branches, is or~~
 29 ~~could be genetically based to a significant degree;~~

30 (2) ~~the treatment of the adopted person, in the~~
 31 ~~opinion of a physician licensed to practice medicine in~~
 32 ~~all of its branches, would be materially assisted by~~
 33 ~~information obtainable from the birth parents or might~~
 34 ~~benefit from the provision of organs or other bodily~~

1 tissues, materials, or fluids by the birth parents or
2 other close biological relatives; and

3 (3) there is neither an Information Exchange
4 Authorization nor a Denial of Information Exchange filed
5 in the Registry as provided in Section 18.1.

6 The affidavit or testimony of the treating physician
7 shall be conclusive on the issue of the utility of contact
8 with the birth parents unless the court finds that the
9 relationship between the illness to be treated and the
10 alleged need for contact is totally without foundation.

11 (c) Fees and expenses. The court shall condition the
12 appointment of the confidential intermediary on the payment
13 of the intermediary's fees and expenses in advance, unless
14 the intermediary waives the right to full advance payment or
15 to any reimbursement at all.

16 (d) Eligibility of intermediary. The court may appoint
17 as confidential intermediary either an employee of the
18 Illinois Department of Children and Family Services
19 designated by the Department to serve as such, any other
20 person certified by the Department as qualified to serve as a
21 confidential intermediary, or any employee of a licensed
22 child welfare agency certified by the agency as qualified to
23 serve as a confidential intermediary.

24 (e) Access. Notwithstanding any other provision of law,
25 the confidential intermediary shall have access to all
26 records of the court or any agency, public or private, which
27 relate to the adoption or the identity and location of any
28 birth parent.

29 (f) Purposes of contact. The confidential intermediary
30 has only the following powers and duties:

31 (1) To contact one or both birth parents, inform
32 the parent or parents of the basic medical problem of the
33 adopted person and the nature of the information or
34 assistance sought from the birth parent, and inform the

1 parent-or-parents-of-the-following-options:

2 (A)--The--birth--parent--may--totally--reject--the
3 request--for--assistance--or--information,--or--both,--and
4 no--disclosure--of--identity--or--location--shall--be--made
5 to--the--petitioner.

6 (B)--The--birth--parent--may--file--an--Information
7 Exchange--Authorization--as--provided--in--Section--18.1.
8 The--confidential--intermediary--shall--explain--to--the
9 birth--parent--the--consequences--of--such--a--filing,
10 including--that--the--birth--parent's--identity--will--be
11 available--for--discovery--by--the--adopted--person.--If
12 the--birth--parent--agrees--to--this--option,--the
13 confidential--intermediary--shall--supply--the--parent
14 with--the--appropriate--forms,--shall--be--responsible--for
15 their--immediate--filing--with--the--Registry,--and--shall
16 inform--the--petitioner--of--their--filing.

17 (C)--If--the--birth--parent--wishes--to--provide--the
18 information--or--assistance--sought--but--does--not--wish
19 his--or--her--identity--disclosed,--the--confidential
20 intermediary--shall--arrange--for--the--disclosure--of--the
21 information--or--the--provision--of--assistance--in--as
22 confidential--a--manner--as--possible--so--as--to--protect
23 the--privacy--of--the--birth--parent--and--minimize--the
24 likelihood--of--disclosure--of--the--birth--parent's
25 identity.

26 (2)--If--a--birth--parent--so--desires,--to--arrange--for--a
27 confidential--communication--with--the--treating--physician--to
28 discuss--the--need--for--the--requested--information--or
29 assistance.

30 (3)--If--a--birth--parent--agrees--to--provide--the
31 information--or--assistance--sought--but--wishes--to--maintain
32 his--or--her--privacy,--to--arrange--for--the--provision--of--the
33 information--or--assistance--to--the--physician--in--as
34 confidential--a--manner--as--possible--so--as--to--protect--the

1 privacy-of-the-birth-parent-and-minimize--the--likelihood
2 of-disclosure-of-the-birth-parent's-identity.

3 (g)--Oath.---The--confidential-intermediary-shall-sign-an
4 oath-of-confidentiality-substantially-as-follows:

5 "I,....., being-duly-sworn, on-oath-depose-and
6 say:--As-a-condition-of--appointment--as--a--confidential
7 intermediary, I-affirm-that:

8 (1)--I-will-not-disclose-to-the-petitioner, directly
9 or--indirectly,--any--information--about--the-identity-or
10 location-of-the-birth-parent-whose--assistance--is--being
11 sought--for-medical-reasons-except-in-a-manner-consistent
12 with-the-law.

13 (2)--I--recognize--that--violation--of---this---oath
14 subjects--me--to--civil--liability--and-to-being-found-in
15 contempt-of-court.

16

17 SUBSCRIBED-AND-SWORN-to-before-me, a-Notary--Public,
18 on-(insert-date).

19"

20 (h)--Sanctions.

21 (1)--Any--confidential--intermediary--who-improperly
22 discloses-information-identifying-a-birth-parent-shall-be
23 liable-to-the-birth-parent-for-damages-and--may--also--be
24 found-in-contempt-of-court.

25 (2)--Any--person--who--learns--a--birth--parent's
26 identity, directly-or--indirectly,--through--the--use--of
27 procedures--provided--in--this-Section-and-who-improperly
28 discloses-information-identifying-the-birth-parent--shall
29 be--liable--to--the--birth-parent-for-actual-damages-plus
30 minimum-punitive-damages-of-\$10,000.

31 (i)--Death-of-birth-parent.---Notwithstanding--any--other
32 provision--of--this--Act,--if--the--confidential-intermediary
33 discovers-that-the-person--whose--assistance--is--sought--has
34 died,--he--or--she-shall-report-this-fact-to-the-court, along

1 ~~with-a-copy-of-the-death-certificate-~~

2 (Source: P.A. 91-357, eff. 7-29-99; 91-417, eff. 1-1-00.)

3 (750 ILCS 50/18.4) (from Ch. 40, par. 1522.4)

4 Sec. 18.4. (a) The agency, Department of Children and
5 Family Services, Court Supportive Services, Juvenile Division
6 of the Circuit Court, or the Probation Officers of the
7 Circuit Court involved in the adoption proceedings shall give
8 in writing the following non-identifying information, if
9 known, to the adoptive parents not later than the date of
10 placement with the petitioning adoptive parents: (i) age of
11 biological parents; (ii) their race, religion and ethnic
12 background; (iii) general physical appearance of biological
13 parents; (iv) their education, occupation, hobbies, interests
14 and talents; (v) existence of any other children born to the
15 biological parents; (vi) information about biological
16 grandparents; reason for emigrating into the United States,
17 if applicable, and country of origin; (vii) relationship
18 between biological parents; and (viii) detailed medical and
19 mental health histories of the child, the biological parents,
20 and their immediate relatives; and (ix) the actual date and
21 place of birth of the adopted person. However, no
22 information provided under this subsection shall disclose the
23 name or last known address of the biological parents,
24 grandparents, the siblings of the biological parents, the
25 adopted person, or any other relative of the adopted person.

26 (b) Any adoptee 18 years of age or over shall be given
27 the information in subsection (a) upon request.

28 (c) The Illinois Adoption Registry shall release any
29 non-identifying information listed in (a) of this Section
30 that appears on the original birth certificate or the
31 Certificate of Adoption to an adopted person, adoptive
32 parent, or legal guardian who is a registrant of the Illinois
33 Adoption Registry.

1 (d) The Illinois Adoption Registry shall release the
2 actual date and place of birth of an adopted person over the
3 age of 21 to the birth parent if the birth parent is a
4 registrant of the Illinois Adoption Registry and has
5 completed a Medical Information Exchange Authorization.

6 (e) The Illinois Adoption Registry shall release
7 information regarding the date of the adoption and the county
8 in which the adoption was finalized to a certified
9 confidential intermediary upon submission of a court order.

10 (f) In cases where the Illinois Adoption Registry
11 possesses information indicating that an adopted person over
12 the age of 21 was adopted in a state other than Illinois or a
13 country other than the United States, the Illinois Adoption
14 Registry shall release the name of the state or country where
15 the adoption was finalized and, if available, the agency
16 involved in the adoption to a registrant of the Illinois
17 Adoption Registry who has completed a Medical Information
18 Exchange Authorization.

19 (g) ~~(e)~~ Any of the above available information for any
20 adoption proceedings completed before the effective date of
21 this Act shall be supplied to the adoptive parents or an
22 adoptee 18 years of age or over upon request.

23 (h) ~~(d)~~ The agency, Department of Children and Family
24 Services, Court Supportive Services, Juvenile Division of the
25 Circuit Court, the Probation Officers of the Circuit Court
26 and any other governmental bodies having any of the above
27 information shall retain the file until the adoptee would
28 have reached the age of 99 years.

29 (Source: P.A. 87-617.)".