

1 AN ACT concerning confidential intermediaries.

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 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),
23 (date of birth), (city and state of
24 birth).

25 That I surrendered my child to: (name of
26 agency), (city and state of agency),
27 (approximate date child surrendered).

28 That I placed my child by private adoption: (date),
29 (city and state).

30 Name of adoptive parents, if known:

31 Other identifying information:

1
 2 (Signature of parent)
 3
 4 (date) (printed name of parent)

5 (b) The form of the Adopted Person Registration
 6 Identification shall be substantially as follows:

7 ADOPTED PERSON
 8 REGISTRATION IDENTIFICATION
 9 (Insert all known information)

10 I,, state the following:

11 Adopted Person's present name: (first)
 12 (middle) (last).

13 Adopted Person's name at birth (if known): (first)
 14 (middle) (last), (birth date),
 15 (city and state of birth), (sex),
 16 (race).

17 Name of adoptive father: (first) (middle)
 18 (last), (race).

19 Maiden name of adoptive mother: (first)
 20 (middle) (last), (race).

21 Name of birth mother (if known): (first)
 22 (middle) (last), (race).

23 Name of birth father (if known): (first)
 24 (middle) (last), (race).

25 Name(s) at birth of sibling(s) having a common birth
 26 parent with adoptee (if known): (first)
 27 (middle) (last), (race), and name of
 28 common birth parent: (first) (middle)
 29 (last), (race).

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

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

32 I was adopted in (city and state), (approximate
 33 date).

34 Other identifying information:

1
 2 (signature of adoptee)
 3
 4 (date) (printed name of adoptee)

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

7 SURRENDERED PERSON REGISTRATION
 8 IDENTIFICATION

9 (Insert all known information)

10 I,, state the following:

11 Surrendered Person's present name: (first)
 12 (middle) (last).

13 Surrendered Person's name at birth (if known):
 14 (first) (middle) (last),(birth
 15 date), (city and state of birth),
 16 (sex), (race).

17 Name of guardian father: (first) (middle)
 18 (last), (race).

19 Maiden name of guardian mother: (first)
 20 (middle) (last), (race).

21 Name of birth mother (if known): (first)
 22 (middle) (last) (race).

23 Name of birth father (if known): (first)
 24 (middle) (last),(race).

25 Name(s) at birth of sibling(s) having a common birth
 26 parent with surrendered person (if known):
 27 (first) (middle) (last), (race),
 28 and name of common birth parent: (first)
 29 (middle) (last), (race).

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

31 I was surrendered for adoption in (city and state),
 32 (approximate date).

33 Other identifying information:

34

1 (signature of surrendered person)
 2
 3 (date) (printed name of person
 4 surrendered for adoption)

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

7 INFORMATION EXCHANGE AUTHORIZATION

8 I,, state that I am the person who completed the
 9 Registration Identification; that I am of the age of
 10 years; that I hereby authorize the Department of Public
 11 Health to give to my (birth parent) (birth sibling)
 12 (surrendered child) the following (please check the
 13 information authorized for exchange):

- 14 [] 1. Only my name and last known address.
- 15 [] 2. A copy of my Illinois Adoption Registry
 16 Application.
- 17 [] 3. A copy of the original certificate of live
 18 birth.

19 I am fully aware that I can only be supplied with any
 20 information about my (birth parent) (birth sibling)
 21 (surrendered child) if such person has duly executed an
 22 Information Exchange Authorization for such information which
 23 has not been revoked; that I can be contacted by writing to:
 24 (own name or name of person to contact) (address)
 25 (phone number).

26 Dated (insert date).

27
 28 {witness} (signature)

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

31 DENIAL OF INFORMATION EXCHANGE

32 I,, state that I am the person who completed the
 33 Registration Identification; that I am of the age of

1 years; that I hereby instruct the Department of Public Health
2 not to give any identifying information about me to my (birth
3 parent) (birth sibling) (surrendered child); that I do not
4 wish to be contacted.

5 Dated (insert date).

6
7 {witness} (signature)

8 (f) The Information Exchange Authorization and the
9 Denial of Information Exchange shall be acknowledged by the
10 birth parent, birth sibling, adopted or surrendered person,
11 adoptive parent, or legal guardian before a notary public, in
12 form substantially as follows:

13 State of
14 County of

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

23 Given under my hand and notarial seal on (insert date).
24
25 (signature)

26 (g) When the execution of an Information Exchange
27 Authorization or a Denial of Information Exchange is
28 acknowledged before a representative of an agency, such
29 representative shall have his signature on said Certificate
30 acknowledged before a notary public, in form substantially as
31 follows:

32 State of.....
33 County of.....

1 I, a Notary Public, in and for the said County, in the
 2 State aforesaid, do hereby certify that personally
 3 known to me to be the same person whose name is subscribed to
 4 the foregoing certificate of acknowledgement, appeared before
 5 me in person and acknowledged that (he or she) signed such
 6 certificate as (his or her) free and voluntary act and that
 7 the statements in such certificate are true.

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

9

10 (signature)

11 (h) When an Illinois Adoption Registry Application,
 12 Information Exchange Authorization or a Denial of Information
 13 Exchange is executed in a foreign country, the execution of
 14 such document shall be acknowledged or affirmed before an
 15 officer of the United States consular services.

16 (i) If the person signing an Information Exchange
 17 Authorization or a Denial of Information is in the military
 18 service of the United States, the execution of such document
 19 may be acknowledged before a commissioned officer and the
 20 signature of such officer on such certificate shall be
 21 verified or acknowledged before a notary public or by such
 22 other procedure as is then in effect for such division or
 23 branch of the armed forces.

24 (j) The Department shall modify these forms as necessary
 25 to implement the provisions of this amendatory Act of 1999
 26 including creating Registration Identification Forms for
 27 non-surrendered birth siblings, adoptive parents and legal
 28 guardians.

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

30 (750 ILCS 50/18.3a) (from Ch. 40, par. 1522.3a)

31 Sec. 18.3a. Confidential intermediary. (a) General
 32 purposes. Notwithstanding any other provision of this Act,
 33 any adopted person 21 years of age or over, any adoptive

1 parent or legal guardian of an adopted person under the age
2 of 21, or any birth parent of an adopted person who is 21
3 years of age or over may petition the court in any county in
4 the State of Illinois for appointment of a confidential
5 intermediary as provided in this Section for the purpose of
6 exchanging medical information with one or more mutually
7 consenting biological relatives, obtaining identifying
8 information about one or more mutually consenting biological
9 relatives, or arranging contact with one or more mutually
10 consenting biological relatives. Additionally, in cases where
11 an adopted or surrendered person is deceased, an adult child
12 of the adopted or surrendered person may file a petition
13 under this Section and in cases where the birth parent is
14 deceased, an adult birth sibling of the adopted person or of
15 the deceased birth parent may file a petition under this
16 Section for the purpose of exchanging medical information
17 with one or more mutually consenting biological relatives,
18 obtaining identifying information about one or more mutually
19 consenting biological relatives, or arranging contact with
20 one or more mutually consenting biological relatives.

21 (b) Petition. Upon petition by an adopted person 21
22 years of age or over, an adoptive parent or legal guardian of
23 an adopted person under the age of 21, or a birth parent of
24 an adopted person who is 21 years of age or over, the court
25 shall appoint a confidential intermediary. Upon petition by
26 an adult child of an adopted person who is deceased or by an
27 adult birth sibling of an adopted person whose birth parent
28 is deceased or by an adult sibling of a birth parent who is
29 deceased, the court may appoint a confidential intermediary
30 if the court finds that the disclosure is of greater benefit
31 than nondisclosure. The petition shall state which biological
32 relative or relatives are being sought and shall indicate if
33 the petitioner wants to do any one or more of the following:
34 exchange medical information with the biological relative or

1 relatives, obtain identifying information from the biological
2 relative or relatives, or to arrange contact with the
3 biological relative.

4 (c) Order. The order appointing the confidential
5 intermediary shall allow that intermediary to conduct a
6 search for the sought-after relative by accessing those
7 records described in subsection (g) of this Section.

8 (d) Fees and expenses. The court shall condition the
9 appointment of the confidential intermediary on the
10 petitioner's payment of the intermediary's fees and expenses
11 in advance of the commencement of the work of the
12 confidential intermediary.

13 (e) Eligibility of intermediary. The court may appoint
14 as confidential intermediary either an employee of the
15 Illinois Department of Children and Family Services
16 designated by the Department to serve as such, any other
17 person certified by the Department as qualified to serve as a
18 confidential intermediary, or any employee of a licensed
19 child welfare agency certified by the agency as qualified to
20 serve as a confidential intermediary. Certification shall be
21 dependent upon the confidential intermediary completing a
22 course of training including, but not limited to, applicable
23 federal and State privacy laws.

24 (f) Confidential Intermediary Council. There shall be
25 established under the Department of Children and Family
26 Services a Confidential Intermediary Advisory Council. One
27 member shall be an attorney representing the Attorney
28 General's Office appointed by the Attorney General. One
29 member shall be a currently certified confidential
30 intermediary appointed by the Director of the Department of
31 Children and Family Services. The Director shall also
32 appoint 5 additional members. When making those
33 appointments, the Director shall consider advocates for
34 adopted persons, adoptive parents, birth parents, lawyers who

1 represent clients in private adoptions, lawyers specializing
2 in privacy law, and representatives of agencies involved in
3 adoptions. The Director shall appoint one of the 7 members
4 as the chairperson. An attorney from the Department of
5 Children and Family Services and the person directly
6 responsible for administering the confidential intermediary
7 program shall serve as ex-officio, non-voting advisors to the
8 Council. Council members shall serve at the discretion of
9 the Director and shall receive no compensation other than
10 reasonable expenses approved by the Director. The Council
11 shall meet no less than twice yearly, and shall make
12 recommendations to the Director regarding the development of
13 rules, procedures, and forms that will ensure efficient and
14 effective operation of the confidential intermediary process,
15 including:

16 (1) Standards for certification for confidential
17 intermediaries.

18 (2) Oversight of methods used to verify that
19 intermediaries are complying with the appropriate laws.

20 (3) Training for confidential intermediaries,
21 including training with respect to federal and State
22 privacy laws.

23 (4) The relationship between confidential
24 intermediaries and the court system, including the
25 development of sample orders defining the scope of the
26 intermediaries' access to information.

27 (5) Any recent violations of policy or procedures
28 by confidential intermediaries and remedial steps,
29 including decertification, to prevent future violations.

30 (g) Access. Subject to the limitations of subsection
31 (i) of this Section, the confidential intermediary shall have
32 access to vital records maintained by the Department of
33 Public Health and its local designees for the maintenance of
34 vital records and all records of the court or any adoption

1 agency, public or private, which relate to the adoption or
2 the identity and location of an adopted person, of an adult
3 child of a deceased adopted person, or of a birth parent,
4 birth sibling, or the sibling of a deceased birth parent.
5 The confidential intermediary shall not have access to any
6 personal health information protected by the Standards for
7 Privacy of Individually Identifiable Health Information
8 adopted by the U.S. Department of Health and Human Services
9 under the Health Insurance Portability and Accountability Act
10 of 1996 unless the confidential intermediary has obtained
11 written consent from the person whose information is being
12 sought or, if that person is a minor child, that person's
13 parent or guardian. Confidential intermediaries shall be
14 authorized to inspect confidential relinquishment and
15 adoption records. The confidential intermediary shall not be
16 authorized to access medical records, financial records,
17 credit records, banking records, home studies, attorney file
18 records, or other personal records. In cases where a birth
19 parent is being sought, an adoption agency shall inform the
20 confidential intermediary of any statement filed pursuant to
21 Section 18.3 indicating a desire of the surrendering birth
22 parent to have identifying information shared or to not have
23 identifying information shared. If there was a clear
24 statement of intent by the sought-after birth parent not to
25 have identifying information shared, the confidential
26 intermediary shall discontinue the search and inform the
27 petitioning party of the sought-after relative's intent.
28 Additional information provided to the confidential
29 intermediary by an adoption agency shall be restricted to the
30 full name, date of birth, place of birth, last known address,
31 and last known telephone number of the sought-after relative
32 or, if applicable, of the children or siblings of the
33 sought-after relative.

34 (h) Adoption agency disclosure of medical

1 information. If the petitioner is an adult adopted person or
2 the adoptive parent of a minor and if the petitioner has
3 signed a written authorization to disclose personal medical
4 information, an adoption agency disclosing information to a
5 confidential intermediary shall disclose available medical
6 information about the adopted person from birth through
7 adoption.

8 (i) Duties of confidential intermediary in conducting a
9 search. In conducting a search under this Section, the
10 confidential intermediary shall first confirm that there is
11 no Denial of Information Exchange on file with the Illinois
12 Adoption Registry. If the petitioner is an adult child of an
13 adopted person who is deceased, the confidential intermediary
14 shall additionally confirm that the adopted person did not
15 file a Denial of Information Exchange with the Illinois
16 Adoption Registry during his or her life. If the petitioner
17 is an adult birth sibling of an adopted person or an adult
18 sibling of a birth parent who is deceased, the confidential
19 intermediary shall additionally confirm that the birth parent
20 did not file a Denial of Information Exchange with the
21 Registry during his or her life. If the confidential
22 intermediary learns that a sought-after birth parent signed a
23 statement indicating his or her intent not to have
24 identifying information shared, and did not later file an
25 Information Exchange Authorization with the Adoption
26 Registry, the confidential intermediary shall discontinue the
27 search and inform the petitioning party of the birth parent's
28 intent.

29 In conducting a search under this Section, the
30 confidential intermediary shall attempt to locate the
31 relative or relatives from whom the petitioner has requested
32 information. If the sought-after relative is deceased or
33 cannot be located after a diligent search, the confidential
34 intermediary may contact adult biological relatives of the

1 sought-after relative.

2 The confidential intermediary shall contact a
3 sought-after relative on behalf of the petitioner in a manner
4 that respects the sought-after relative's privacy and shall
5 inform the sought-after relative of the petitioner's request
6 for medical information, identifying information or contact
7 as stated in the petition. Based upon the terms of the
8 petitioner's request, the confidential intermediary shall
9 contact a sought-after relative on behalf of the petitioner
10 and inform the sought-after relative of the following
11 options:

12 (1) The sought-after relative may totally reject one or
13 all of the requests for medical information, identifying
14 information or contact. The sought-after relative shall be
15 informed that they can provide a medical questionnaire to be
16 forwarded to the petitioner without releasing any identifying
17 information. The confidential intermediary shall inform the
18 petitioner of the sought-after relative's decision to reject
19 the sharing of information or contact.

20 (2) The sought-after relative may consent to completing
21 a medical questionnaire only. In this case, the confidential
22 intermediary shall provide the questionnaire and ask the
23 sought-after relative to complete it. The confidential
24 intermediary shall forward the completed questionnaire to the
25 petitioner and inform the petitioner of the sought-after
26 relative's desire to not provide any additional information.

27 (3) The sought-after relative may communicate with the
28 petitioner without having his or her identity disclosed. In
29 this case, the confidential intermediary shall arrange the
30 desired communication in a manner that protects the identity
31 of the sought-after relative. The confidential intermediary
32 shall inform the petitioner of the sought-after relative's
33 decision to communicate but not disclose his or her identity.

34 (4) The sought after relative may consent to initiate

1 contact with the petitioner. If both the petitioner and the
 2 sought-after relative or relatives are eligible to register
 3 with the Illinois Adoption Registry, the confidential
 4 intermediary shall provide the necessary application forms
 5 and request that the sought-after relative register with the
 6 Illinois Adoption Registry. If either the petitioner or the
 7 sought-after relative or relatives are ineligible to register
 8 with the Illinois Adoption Registry, the confidential
 9 intermediary shall obtain written consents from both parties
 10 that they wish to disclose their identities to each other and
 11 to have contact with each other.

12 (j) Oath. The confidential intermediary shall sign an
 13 oath of confidentiality substantially as follows: "I,
 14, being duly sworn, on oath depose and say: As a
 15 condition of appointment as a confidential intermediary, I
 16 affirm that:

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

20 (2) I recognize that violation of this oath
 21 subjects me to civil liability and to a potential finding
 22 of contempt of court.

23 SUBSCRIBED AND SWORN to before me, a Notary Public, on
 24 (insert date)
 25"

26 (k) Sanctions.

27 (1) Any confidential intermediary who improperly
 28 discloses confidential information identifying a
 29 sought-after relative shall be liable to the sought-after
 30 relative for damages and may also be found in contempt of
 31 court.

32 (2) Any person who learns a sought-after relative's
 33 identity, directly or indirectly, through the use of
 34 procedures provided in this Section and who improperly

1 discloses information identifying the sought-after
2 relative shall be liable to the sought-after relative for
3 actual damages plus minimum punitive damages of \$10,000.

4 (3) The Department shall fine any confidential
5 intermediary who improperly discloses confidential
6 information in violation of item (1) or (2) of this
7 subsection (k) an amount up to \$2,000 per improper
8 disclosure. This fine does not affect civil liability
9 under item (2) of this subsection (k). The Department
10 shall deposit all fines and penalties collected under
11 this Section into the Illinois Adoption Registry and
12 Medical Information Fund.

13 (l) Death of person being sought. Notwithstanding any
14 other provision of this Act, if the confidential intermediary
15 discovers that the person being sought has died, he or she
16 shall report this fact to the court, along with a copy of the
17 death certificate.

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

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

31 (o) Except as provided in subsection (k) of this
32 Section, no liability shall accrue to the State, any State
33 agency, any judge, any officer or employee of the court, any
34 certified confidential intermediary, or any agency designated

1 to oversee confidential intermediary services for acts,
2 omissions, or efforts made in good faith within the scope of
3 this Section.

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

15 (b) Petition. The court shall appoint a confidential
16 intermediary for the purposes described in subsection (f) if
17 the petitioner shows the following:

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

26 (2) the treatment of the adopted person, in the
27 opinion of a physician licensed to practice medicine in
28 all of its branches, would be materially assisted by
29 information obtainable from the birth parents or might
30 benefit from the provision of organs or other bodily
31 tissues, materials, or fluids by the birth parents or
32 other close biological relatives; and

33 (3) there is neither an Information Exchange
34 Authorization nor a Denial of Information Exchange filed

1 in-the-Registry-as-provided-in-Section-18.1.

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

7 (c)--Fees--and--expenses.--The-court-shall-condition-the
8 appointment-of-the-confidential-intermediary-on--the--payment
9 of--the--intermediary's--fees-and-expenses-in-advance, unless
10 the-intermediary-waives-the-right-to-full-advance-payment--or
11 to-any-reimbursement-at-all.

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

20 (e)--Access.--Notwithstanding-any-other-provision-of-law,
21 the--confidential--intermediary--shall--have--access--to--all
22 records-of-the-court-or-any-agency, public-or-private, which
23 relate--to--the--adoption-or-the-identity-and-location-of-any
24 birth-parent.

25 (f)--Purposes-of-contact.--The-confidential--intermediary
26 has-only-the-following-powers-and-duties:

27 (1)--To--contact--one--or-both-birth-parents, inform
28 the-parent-or-parents-of-the-basic-medical-problem-of-the
29 adopted-person-and--the--nature--of--the--information--or
30 assistance--sought--from-the-birth-parent, and-inform-the
31 parent-or-parents-of-the-following-options:

32 (A)--The-birth-parent-may--totally--reject--the
33 request--for-assistance-or-information, or-both, and
34 no-disclosure-of-identity-or-location-shall-be--made

1 to-the-petitioner.

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

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

22 (2)--If-a-birth-parent-so-desires,--to-arrange-for--a
23 confidential-communication-with-the-treating-physician-to
24 discuss--the--need--for--the--requested--information--or
25 assistance.

26 (3)--If--a--birth--parent--agrees--to--provide--the
27 information--or--assistance-sought-but-wishes-to-maintain
28 his-or-her-privacy,--to-arrange-for-the-provision--of--the
29 information--or--assistance--to--the--physician--in--as
30 confidential-a-manner-as-possible-so-as--to--protect--the
31 privacy--of--the-birth-parent-and-minimize-the-likelihood
32 of-disclosure-of-the-birth-parent's-identity.

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

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

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

9 (2)--I---recognize---that---violation---of---this---oath
10 subjects-me-to-civil-liability--and--to--being--found--in
11 contempt-of-court.

12

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

15"

16 (h)--Sanctions.

17 (1)--Any-confidential--intermediary--who--improperly
18 discloses-information-identifying-a-birth-parent-shall-be
19 liable--to--the--birth-parent-for-damages-and-may-also-be
20 found-in-contempt-of-court.

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

27 (i)--Death--of--birth--parent.--Notwithstanding-any-other
28 provision-of--this--Act,--if--the--confidential--intermediary
29 discovers--that--the--person--whose--assistance-is-sought-has
30 died, he-or-she-shall-report-this-fact-to--the--court,--along
31 with-a-copy-of-the-death-certificate.

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

33 (750 ILCS 50/18.4) (from Ch. 40, par. 1522.4)

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

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

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

31 (d) The Illinois Adoption Registry shall release the
32 actual date and place of birth of an adopted person who is 21
33 years of age or over to the birth parent if the birth parent
34 is a registrant of the Illinois Adoption Registry and has

1 completed a Medical Information Exchange Authorization.

2 (e) The Illinois Adoption Registry shall release
3 information regarding the date the adoption was finalized and
4 the county in which the adoption was finalized to a certified
5 confidential intermediary upon submission of a court order.

6 (f) In cases where the Illinois Adoption Registry
7 possesses information indicating that an adopted person who
8 is 21 years of age or over was adopted in a state other than
9 Illinois or a country other than the United States, the
10 Illinois Adoption Registry shall release the name of the
11 state or country where the adoption was finalized and, if
12 available, the agency involved in the adoption to a
13 registrant of the Illinois Adoption Registry, provided the
14 registrant is not the subject of a Denial of Information
15 Exchange and the registrant has completed a Medical
16 Information Exchange Authorization.

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

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

27 (Source: P.A. 87-617.)