

1 AMENDMENT TO HOUSE BILL 2504

2 AMENDMENT NO. _____. Amend House Bill 2504, AS AMENDED,
3 by replacing the title with "AN ACT concerning confidential
4 intermediaries."; and

5 by replacing everything after the enacting clause with the
6 following:

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

9 (750 ILCS 50/18.2) (from Ch. 40, par. 1522.2)
10 Sec. 18.2. Forms.

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

13 BIRTH PARENT REGISTRATION IDENTIFICATION

14 (Insert all known information)

15 I,, state that I am the (mother or father) of
16 the following child:

17 Child's original name: (first) (middle)
18 (last), (hour of birth), (date of
19 birth), (city and state of birth), (name
20 of hospital).

21 Father's full name: (first) (middle)

1 (last), (date of birth), (city and state
2 of birth).

3 Name of mother inserted on birth certificate:
4 (first) (middle) (last), (race),
5 (date of birth), (city and state of
6 birth).

7 That I surrendered my child to: (name of
8 agency), (city and state of agency),
9 (approximate date child surrendered).

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

12 Name of adoptive parents, if known:

13 Other identifying information:

14

15 (Signature of parent)

16

17 (date) (printed name of parent)

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

20 ADOPTED PERSON

21 REGISTRATION IDENTIFICATION

22 (Insert all known information)

23 I,, state the following:

24 Adopted Person's present name: (first)
25 (middle) (last).

26 Adopted Person's name at birth (if known): (first)
27 (middle) (last), (birth date),
28 (city and state of birth), (sex),
29 (race).

30 Name of adoptive father: (first) (middle)
31 (last), (race).

32 Maiden name of adoptive mother: (first)
33 (middle) (last), (race).

34 Name of birth mother (if known): (first)

1 (middle) (last), (race).
 2 Name of birth father (if known): (first)
 3 (middle) (last), (race).
 4 Name(s) at birth of sibling(s) having a common birth
 5 parent with adoptee (if known): (first)
 6 (middle) (last), (race), and name of
 7 common birth parent: (first) (middle)
 8 (last), (race).

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

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

11 I was adopted in (city and state), (approximate
 12 date).

13 Other identifying information:

14

15 (signature of adoptee)

16

17 (date) (printed name of adoptee)

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

20 SURRENDERED PERSON REGISTRATION

21 IDENTIFICATION

22 (Insert all known information)

23 I,, state the following:

24 Surrendered Person's present name: (first)
 25 (middle) (last).

26 Surrendered Person's name at birth (if known):
 27 (first) (middle) (last),(birth
 28 date), (city and state of birth),
 29 (sex), (race).

30 Name of guardian father: (first) (middle)
 31 (last), (race).

32 Maiden name of guardian mother: (first)
 33 (middle) (last), (race).

34 Name of birth mother (if known): (first)

1 (middle) (last) (race).
 2 Name of birth father (if known): (first)
 3 (middle) (last),(race).
 4 Name(s) at birth of sibling(s) having a common birth
 5 parent with surrendered person (if known):
 6 (first) (middle) (last), (race),
 7 and name of common birth parent: (first)
 8 (middle) (last), (race).

9 I was surrendered for adoption to: (name of agency).
 10 I was surrendered for adoption in (city and state),
 11 (approximate date).

12 Other identifying information:
 13
 14 (signature of surrendered person)
 15
 16 (date) (printed name of person
 17 surrendered for adoption)

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

20 INFORMATION EXCHANGE AUTHORIZATION

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

- 27 [] 1. Only my name and last known address.
- 28 [] 2. A copy of my Illinois Adoption Registry
 29 Application.
- 30 [] 3. A copy of the original certificate of live
 31 birth.

32 I am fully aware that I can only be supplied with any
 33 information about my (birth parent) (birth sibling)
 34 (surrendered child) if such person has duly executed an

1 Information Exchange Authorization for such information which
 2 has not been revoked; that I can be contacted by writing to:
 3 (own name or name of person to contact) (address)
 4 (phone number).

5 Dated (insert date).

6
 7 {witness} (signature)

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

10 DENIAL OF INFORMATION EXCHANGE

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

17 Dated (insert date).

18
 19 {witness} (signature)

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

25 State of

26 County of

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

1 true.

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

3

4 (signature)

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

11 State of.....

12 County of.....

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

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

21

22 (signature)

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

28 (i) If the person signing an Information Exchange
29 Authorization or a Denial of Information is in the military
30 service of the United States, the execution of such document
31 may be acknowledged before a commissioned officer and the
32 signature of such officer on such certificate shall be
33 verified or acknowledged before a notary public or by such

1 other procedure as is then in effect for such division or
2 branch of the armed forces.

3 (j) The Department shall modify these forms as necessary
4 to implement the provisions of this amendatory Act of 1999
5 including creating Registration Identification Forms for
6 non-surrendered birth siblings, adoptive parents and legal
7 guardians.

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

9 (750 ILCS 50/18.3a) (from Ch. 40, par. 1522.3a)

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

33 (b) Petition. Upon petition by an adopted person 21

1 years of age or over, an adoptive parent or legal guardian of
2 an adopted person under the age of 21, or a birth parent of
3 an adopted person who is 21 years of age or over, the court
4 shall appoint a confidential intermediary. Upon petition by
5 an adult child of an adopted person who is deceased or by an
6 adult birth sibling of an adopted person whose birth parent
7 is deceased or by an adult sibling of a birth parent who is
8 deceased, the court may appoint a confidential intermediary
9 if the court finds that the disclosure is of greater benefit
10 than nondisclosure. The petition shall state which biological
11 relative or relatives are being sought and shall indicate if
12 the petitioner wants to do any one or more of the following:
13 exchange medical information with the biological relative or
14 relatives, obtain identifying information from the biological
15 relative or relatives, or to arrange contact with the
16 biological relative.

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

21 (d) Fees and expenses. The court shall condition the
22 appointment of the confidential intermediary on the
23 petitioner's payment of the intermediary's fees and expenses
24 in advance of the commencement of the work of the
25 confidential intermediary.

26 (e) Eligibility of intermediary. The court may appoint
27 as confidential intermediary either an employee of the
28 Illinois Department of Children and Family Services
29 designated by the Department to serve as such, any other
30 person certified by the Department as qualified to serve as a
31 confidential intermediary, or any employee of a licensed
32 child welfare agency certified by the agency as qualified to
33 serve as a confidential intermediary. Certification shall be
34 dependent upon the confidential intermediary completing a

1 course of training including, but not limited to, applicable
2 federal and State privacy laws.

3 (f) Confidential Intermediary Council. There shall be
4 established under the Department of Children and Family
5 Services a Confidential Intermediary Advisory Council. One
6 member shall be an attorney representing the Attorney
7 General's Office appointed by the Attorney General. One
8 member shall be a currently certified confidential
9 intermediary appointed by the Director of the Department of
10 Children and Family Services. The Director shall also
11 appoint 5 additional members. When making those
12 appointments, the Director shall consider advocates for
13 adopted persons, adoptive parents, birth parents, lawyers who
14 represent clients in private adoptions, lawyers specializing
15 in privacy law, and representatives of agencies involved in
16 adoptions. The Director shall appoint one of the 7 members
17 as the chairperson. An attorney from the Department of
18 Children and Family Services and the person directly
19 responsible for administering the confidential intermediary
20 program shall serve as ex-officio, non-voting advisors to the
21 Council. Council members shall serve at the discretion of
22 the Director and shall receive no compensation other than
23 reasonable expenses approved by the Director. The Council
24 shall meet no less than twice yearly, and shall make
25 recommendations to the Director regarding the development of
26 rules, procedures, and forms that will ensure efficient and
27 effective operation of the confidential intermediary process,
28 including:

29 (1) Standards for certification for confidential
30 intermediaries.

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

33 (3) Training for confidential intermediaries,
34 including training with respect to federal and State

1 privacy laws.

2 (4) The relationship between confidential
3 intermediaries and the court system, including the
4 development of sample orders defining the scope of the
5 intermediaries' access to information.

6 (5) Any recent violations of policy or procedures
7 by confidential intermediaries and remedial steps,
8 including decertification, to prevent future violations.

9 (g) Access. Subject to the limitations of subsection
10 (i) of this Section, the confidential intermediary shall have
11 access to vital records maintained by the Department of
12 Public Health and its local designees for the maintenance of
13 vital records and all records of the court or any adoption
14 agency, public or private, which relate to the adoption or
15 the identity and location of an adopted person, of an adult
16 child of a deceased adopted person, or of a birth parent,
17 birth sibling, or the sibling of a deceased birth parent.
18 The confidential intermediary shall not have access to any
19 personal health information protected by the Standards for
20 Privacy of Individually Identifiable Health Information
21 adopted by the U.S. Department of Health and Human Services
22 under the Health Insurance Portability and Accountability Act
23 of 1996 unless the confidential intermediary has obtained
24 written consent from the person whose information is being
25 sought or, if that person is a minor child, that person's
26 parent or guardian. Confidential intermediaries shall be
27 authorized to inspect confidential relinquishment and
28 adoption records. The confidential intermediary shall not be
29 authorized to access medical records, financial records,
30 credit records, banking records, home studies, attorney file
31 records, or other personal records. In cases where a birth
32 parent is being sought, an adoption agency shall inform the
33 confidential intermediary of any statement filed pursuant to
34 Section 18.3 indicating a desire of the surrendering birth

1 parent to have identifying information shared or to not have
2 identifying information shared. If there was a clear
3 statement of intent by the sought-after birth parent not to
4 have identifying information shared, the confidential
5 intermediary shall discontinue the search and inform the
6 petitioning party of the sought-after relative's intent.
7 Additional information provided to the confidential
8 intermediary by an adoption agency shall be restricted to the
9 full name, date of birth, place of birth, last known address,
10 and last known telephone number of the sought-after relative
11 or, if applicable, of the children or siblings of the
12 sought-after relative.

13 (h) Adoption agency disclosure of medical
14 information. If the petitioner is an adult adopted person or
15 the adoptive parent of a minor and if the petitioner has
16 signed a written authorization to disclose personal medical
17 information, an adoption agency disclosing information to a
18 confidential intermediary shall disclose available medical
19 information about the adopted person from birth through
20 adoption.

21 (i) Duties of confidential intermediary in conducting a
22 search. In conducting a search under this Section, the
23 confidential intermediary shall first confirm that there is
24 no Denial of Information Exchange on file with the Illinois
25 Adoption Registry. If the petitioner is an adult child of an
26 adopted person who is deceased, the confidential intermediary
27 shall additionally confirm that the adopted person did not
28 file a Denial of Information Exchange with the Illinois
29 Adoption Registry during his or her life. If the petitioner
30 is an adult birth sibling of an adopted person or an adult
31 sibling of a birth parent who is deceased, the confidential
32 intermediary shall additionally confirm that the birth parent
33 did not file a Denial of Information Exchange with the
34 Registry during his or her life. If the confidential

1 intermediary learns that a sought-after birth parent signed a
2 statement indicating his or her intent not to have
3 identifying information shared, and did not later file an
4 Information Exchange Authorization with the Adoption
5 Registry, the confidential intermediary shall discontinue the
6 search and inform the petitioning party of the birth parent's
7 intent.

8 In conducting a search under this Section, the
9 confidential intermediary shall attempt to locate the
10 relative or relatives from whom the petitioner has requested
11 information. If the sought-after relative is deceased or
12 cannot be located after a diligent search, the confidential
13 intermediary may contact adult biological relatives of the
14 sought-after relative.

15 The confidential intermediary shall contact a
16 sought-after relative on behalf of the petitioner in a manner
17 that respects the sought-after relative's privacy and shall
18 inform the sought-after relative of the petitioner's request
19 for medical information, identifying information or contact
20 as stated in the petition. Based upon the terms of the
21 petitioner's request, the confidential intermediary shall
22 contact a sought-after relative on behalf of the petitioner
23 and inform the sought-after relative of the following
24 options:

25 (1) The sought-after relative may totally reject one or
26 all of the requests for medical information, identifying
27 information or contact. The sought-after relative shall be
28 informed that they can provide a medical questionnaire to be
29 forwarded to the petitioner without releasing any identifying
30 information. The confidential intermediary shall inform the
31 petitioner of the sought-after relative's decision to reject
32 the sharing of information or contact.

33 (2) The sought-after relative may consent to completing
34 a medical questionnaire only. In this case, the confidential

1 intermediary shall provide the questionnaire and ask the
2 sought-after relative to complete it. The confidential
3 intermediary shall forward the completed questionnaire to the
4 petitioner and inform the petitioner of the sought-after
5 relative's desire to not provide any additional information.

6 (3) The sought-after relative may communicate with the
7 petitioner without having his or her identity disclosed. In
8 this case, the confidential intermediary shall arrange the
9 desired communication in a manner that protects the identity
10 of the sought-after relative. The confidential intermediary
11 shall inform the petitioner of the sought-after relative's
12 decision to communicate but not disclose his or her identity.

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

25 (j) Oath. The confidential intermediary shall sign an
26 oath of confidentiality substantially as follows: "I,
27, being duly sworn, on oath depose and say: As a
28 condition of appointment as a confidential intermediary, I
29 affirm that:

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

33 (2) I recognize that violation of this oath
34 subjects me to civil liability and to a potential finding

1 of contempt of court.
 2 SUBSCRIBED AND SWORN to before me, a Notary Public, on
 3 (insert date)
 4 "

5 (k) Sanctions.

6 (1) Any confidential intermediary who improperly
 7 discloses confidential information identifying a
 8 sought-after relative shall be liable to the sought-after
 9 relative for damages and may also be found in contempt of
 10 court.

11 (2) Any person who learns a sought-after relative's
 12 identity, directly or indirectly, through the use of
 13 procedures provided in this Section and who improperly
 14 discloses information identifying the sought-after
 15 relative shall be liable to the sought-after relative for
 16 actual damages plus minimum punitive damages of \$10,000.

17 (3) The Department shall fine any confidential
 18 intermediary who improperly discloses confidential
 19 information in violation of item (1) or (2) of this
 20 subsection (k) an amount up to \$2,000 per improper
 21 disclosure. This fine does not affect civil liability
 22 under item (2) of this subsection (k). The Department
 23 shall deposit all fines and penalties collected under
 24 this Section into the Illinois Adoption Registry and
 25 Medical Information Fund.

26 (l) Death of person being sought. Notwithstanding any
 27 other provision of this Act, if the confidential intermediary
 28 discovers that the person being sought has died, he or she
 29 shall report this fact to the court, along with a copy of the
 30 death certificate.

31 (m) Any confidential information obtained by the
 32 confidential intermediary during the course of his or her
 33 search shall be kept strictly confidential and shall be used
 34 for the purpose of arranging contact between the petitioner

1 and the sought-after birth relative. At the time the case is
2 closed, all identifying information shall be returned to the
3 court for inclusion in the impounded adoption file.

4 (n) If the petitioner is an adopted person 21 years of
5 age or over or the adoptive parent or legal guardian of an
6 adopted person under the age of 21, any non-identifying
7 information, as defined in Section 18.4, that is ascertained
8 during the course of the search may be given in writing to
9 the petitioner before the case is closed.

10 (o) Except as provided in subsection (k) of this
11 Section, no liability shall accrue to the State, any State
12 agency, any judge, any officer or employee of the court, any
13 certified confidential intermediary, or any agency designated
14 to oversee confidential intermediary services for acts,
15 omissions, or efforts made in good faith within the scope of
16 this Section.

17 ~~(a) General purposes. Notwithstanding any other~~
18 ~~provision of this Act, any adopted person over the age of 21~~
19 ~~or any adoptive parent or legal guardian of an adopted person~~
20 ~~under the age of 21 may petition the court for appointment of~~
21 ~~a confidential intermediary as provided in this Section for~~
22 ~~the purpose of obtaining from one or both birth parents or a~~
23 ~~sibling or siblings of the adopted person information~~
24 ~~concerning the background of a psychological or~~
25 ~~genetically-based medical problem experienced or which may be~~
26 ~~expected to be experienced in the future by the adopted~~
27 ~~person or obtaining assistance in treating such a problem.~~

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

31 ~~(1) the adopted person is suffering or may be~~
32 ~~expected to suffer in the future from a life-threatening~~
33 ~~or substantially incapacitating physical illness of any~~
34 ~~nature, or a psychological disturbance which is~~

1 substantially-incapacitating-but-not-life-threatening, or
2 a-mental-illness-which, in-the--opinion--of--a--physician
3 licensed--to-practice-medicine-in-all-its-branches, is-or
4 could-be-genetically-based-to-a-significant-degree;

5 (2)--the-treatment-of-the--adopted--person,--in--the
6 opinion--of--a-physician-licensed-to-practice-medicine-in
7 all-of-its-branches,--would--be--materially--assisted--by
8 information--obtainable--from--the-birth-parents-or-might
9 benefit-from-the-provision--of--organs--or--other--bodily
10 tissues,--materials,--or--fluids--by-the-birth-parents-or
11 other-close-biological-relatives; and

12 (3)--there--is--neither--an--Information--Exchange
13 Authorization--nor-a-Denial-of-Information-Exchange-filed
14 in-the-Registry-as-provided-in-Section-18.1.

15 The-affidavit-or--testimony--of--the--treating--physician
16 shall--be--conclusive--on-the-issue-of-the-utility-of-contact
17 with-the-birth--parents--unless--the--court--finds--that--the
18 relationship--between--the--illness--to--be--treated--and-the
19 alleged-need-for-contact-is-totally-without-foundation.

20 (c)--Fees-and-expenses.--The-court--shall--condition--the
21 appointment--of--the-confidential-intermediary-on-the-payment
22 of-the-intermediary's-fees-and-expenses--in--advance,--unless
23 the--intermediary-waives-the-right-to-full-advance-payment-or
24 to-any-reimbursement-at-all.

25 (d)--Eligibility-of-intermediary.--The-court-may--appoint
26 as--confidential--intermediary--either--an--employee--of--the
27 Illinois--Department--of--Children--and--Family--Services
28 designated-by-the-Department-to--serve--as--such,--any--other
29 person-certified-by-the-Department-as-qualified-to-serve-as-a
30 confidential--intermediary,--or--any--employee--of-a-licensed
31 child-welfare-agency-certified-by-the-agency-as-qualified--to
32 serve-as-a-confidential-intermediary.

33 (e)--Access.--Notwithstanding-any-other-provision-of-law,
34 the--confidential--intermediary--shall--have--access--to--all

1 records--of-the-court-or-any-agency,--public-or-private,--which
2 relate-to-the-adoption-or-the-identity-and--location--of--any
3 birth-parent.

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

6 (1)--To-contact-one-or-both--birth--parents,--inform
7 the-parent-or-parents-of-the-basic-medical-problem-of-the
8 adopted--person--and--the--nature--of--the-information-or
9 assistance-sought-from-the-birth-parent,--and--inform--the
10 parent-or-parents-of-the-following-options:

11 (A)--The--birth--parent--may-totally-reject-the
12 request-for-assistance-or-information,--or-both,--and
13 no--disclosure-of-identity-or-location-shall-be-made
14 to-the-petitioner.

15 (B)--The-birth-parent-may-file--an--Information
16 Exchange--Authorization-as-provided-in-Section-18.1.
17 The-confidential-intermediary-shall-explain--to--the
18 birth--parent--the--consequences--of--such-a-filing,
19 including-that-the-birth-parent's-identity--will--be
20 available--for--discovery--by-the-adopted-person.--If
21 the--birth--parent--agrees--to--this---option,---the
22 confidential--intermediary--shall--supply-the-parent
23 with-the-appropriate-forms,--shall-be-responsible-for
24 their-immediate-filing-with-the-Registry,--and--shall
25 inform-the-petitioner-of-their-filing.

26 (C)--If--the-birth-parent-wishes-to-provide-the
27 information-or-assistance-sought-but-does--not--wish
28 his--or--her--identity--disclosed,--the-confidential
29 intermediary-shall-arrange-for-the-disclosure-of-the
30 information-or-the-provision--of--assistance--in--as
31 confidential--a--manner-as-possible-so-as-to-protect
32 the-privacy-of-the-birth--parent--and--minimize--the
33 likelihood--of--disclosure--of--the--birth--parent's
34 identity.

1 (2) -- If a birth parent so desires, to arrange for a
2 confidential communication with the treating physician to
3 discuss the need for the requested information or
4 assistance.

5 (3) -- If a birth parent agrees to provide the
6 information or assistance sought but wishes to maintain
7 his or her privacy, to arrange for the provision of the
8 information or assistance to the physician in as
9 confidential a manner as possible so as to protect the
10 privacy of the birth parent and minimize the likelihood
11 of disclosure of the birth parent's identity.

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

14 "I, . . . , being duly sworn, on oath depose and
15 say: As a condition of appointment as a confidential
16 intermediary, I affirm that:

17 (1) -- I will not disclose to the petitioner, directly
18 or indirectly, any information about the identity or
19 location of the birth parent whose assistance is being
20 sought for medical reasons except in a manner consistent
21 with the law.

22 (2) -- I recognize that violation of this oath
23 subjects me to civil liability and to being found in
24 contempt of court.

25
26 SUBSCRIBED AND SWORN to before me, a Notary Public,
27 on (insert date).

28"

29 (h) -- Sanctions.

30 (1) -- Any confidential intermediary who improperly
31 discloses information identifying a birth parent shall be
32 liable to the birth parent for damages and may also be
33 found in contempt of court.

34 (2) -- Any person who learns a birth parent's

1 identity, directly or indirectly, through the use of
2 procedures provided in this Section and who improperly
3 discloses information identifying the birth parent shall
4 be liable to the birth parent for actual damages plus
5 minimum punitive damages of \$10,000.

6 (i) Death of birth parent. Notwithstanding any other
7 provision of this Act, if the confidential intermediary
8 discovers that the person whose assistance is sought has
9 died, he or she shall report this fact to the court, along
10 with a copy of the death certificate.

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

12 (750 ILCS 50/18.4) (from Ch. 40, par. 1522.4)

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

1 adopted person, or any other relative of the adopted person.

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

4 (c) The Illinois Adoption Registry shall release any
5 non-identifying information listed in (a) of this Section
6 that appears on the certified copy of the original birth
7 certificate or the Certificate of Adoption to an adopted
8 person, adoptive parent, or legal guardian who is a
9 registrant of the Illinois Adoption Registry.

10 (d) The Illinois Adoption Registry shall release the
11 actual date and place of birth of an adopted person who is 21
12 years of age or over to the birth parent if the birth parent
13 is a registrant of the Illinois Adoption Registry and has
14 completed a Medical Information Exchange Authorization.

15 (e) The Illinois Adoption Registry shall release
16 information regarding the date the adoption was finalized and
17 the county in which the adoption was finalized to a certified
18 confidential intermediary upon submission of a court order.

19 (f) In cases where the Illinois Adoption Registry
20 possesses information indicating that an adopted person who
21 is 21 years of age or over was adopted in a state other than
22 Illinois or a country other than the United States, the
23 Illinois Adoption Registry shall release the name of the
24 state or country where the adoption was finalized and, if
25 available, the agency involved in the adoption to a
26 registrant of the Illinois Adoption Registry, provided the
27 registrant is not the subject of a Denial of Information
28 Exchange and the registrant has completed a Medical
29 Information Exchange Authorization.

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

34 (h) (d) The agency, Department of Children and Family

1 Services, Court Supportive Services, Juvenile Division of the
2 Circuit Court, the Probation Officers of the Circuit Court
3 and any other governmental bodies having any of the above
4 information shall retain the file until the adoptee would
5 have reached the age of 99 years.

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