

1 AN ACT concerning adoption.

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 Section 8 as follows:

6 (750 ILCS 50/8) (from Ch. 40, par. 1510)

7 Sec. 8. Consents to adoption and surrenders for purposes
8 of adoption.

9 (a) Except as hereinafter provided in this Section
10 consents or surrenders shall be required in all cases, unless
11 the person whose consent or surrender would otherwise be
12 required shall be found by the court:

13 (1) to be an unfit person as defined in Section 1
14 of this Act, by clear and convincing evidence; or

15 (2) not to be the biological or adoptive father of
16 the child; or

17 (3) to have waived his parental rights to the child
18 under Section 12a or 12.1 of this Act; or

19 (4) to be the parent of an adult sought to be
20 adopted; or

21 (5) to be the father of the child as a result of
22 criminal sexual abuse or assault as defined under Article
23 12 of the Criminal Code of 1961; or

24 (6) to have been indicated for child sexual abuse
25 as defined in the Abused and Neglected Child Reporting
26 Act that involved sexual penetration of the mother; or

27 (7) to be at least 5 years older than the mother
28 and the mother was under the age 17 at the time of
29 conception of the child to be adopted.

30 (b) Where consents are required in the case of an
31 adoption of a minor child, the consents of the following

1 persons shall be sufficient:

2 (1) (A) The mother of the minor child; and

3 (B) The father of the minor child, if the father:

4 (i) was married to the mother on the date of
5 birth of the child or within 300 days before the
6 birth of the child, except for a husband or former
7 husband who has been found by a court of competent
8 jurisdiction not to be the biological father of the
9 child; or

10 (ii) is the father of the child under a
11 judgment for adoption, an order of parentage, or an
12 acknowledgment of parentage or paternity pursuant to
13 subsection (a) of Section 5 of the Illinois
14 Parentage Act of 1984; or

15 (iii) in the case of a child placed with the
16 adopting parents less than 6 months after birth,
17 openly lived with the child, the child's biological
18 mother, or both, and held himself out to be the
19 child's biological father during the first 30 days
20 following the birth of the child; or

21 (iv) in the case of a child placed with the
22 adopting parents less than 6 months after birth,
23 made a good faith effort to pay a reasonable amount
24 of the expenses related to the birth of the child
25 and to provide a reasonable amount for the financial
26 support of the child before the expiration of 30
27 days following the birth of the child, provided that
28 the court may consider in its determination all
29 relevant circumstances, including the financial
30 condition of both biological parents; or

31 (v) in the case of a child placed with the
32 adopting parents more than 6 months after birth, has
33 maintained substantial and continuous or repeated
34 contact with the child as manifested by: (I) the

1 payment by the father toward the support of the
2 child of a fair and reasonable sum, according to the
3 father's means, and either (II) the father's
4 visiting the child at least monthly when physically
5 and financially able to do so and not prevented from
6 doing so by the person or authorized agency having
7 lawful custody of the child, or (III) the father's
8 regular communication with the child or with the
9 person or agency having the care or custody of the
10 child, when physically and financially unable to
11 visit the child or prevented from doing so by the
12 person or authorized agency having lawful custody of
13 the child. The subjective intent of the father,
14 whether expressed or otherwise unsupported by
15 evidence of acts specified in this sub-paragraph as
16 manifesting such intent, shall not preclude a
17 determination that the father failed to maintain
18 substantial and continuous or repeated contact with
19 the child; or

20 (vi) in the case of a child placed with the
21 adopting parents more than six months after birth,
22 openly lived with the child for a period of six
23 months within the one year period immediately
24 preceding the placement of the child for adoption
25 and openly held himself out to be the father of the
26 child; or

27 (vii) has timely registered with Putative
28 Father Registry, as provided in Section 12.1 of this
29 Act, and prior to the expiration of 30 days from the
30 date of such registration, commenced legal
31 proceedings to establish paternity under the
32 Illinois Parentage Act of 1984 or under the law of
33 the jurisdiction of the child's birth; or

34 (2) The legal guardian of the person of the child,

1 if there is no surviving parent; or

2 (3) An agency, if the child has been surrendered
3 for adoption to such agency; or

4 (4) Any person or agency having legal custody of a
5 child by court order if the parental rights of the
6 parents have been judicially terminated, and the court
7 having jurisdiction of the guardianship of the child has
8 authorized the consent to the adoption; or

9 (5) The execution and verification of the petition
10 by any petitioner who is also a parent of the child
11 sought to be adopted shall be sufficient evidence of such
12 parent's consent to the adoption.

13 (c) Where surrenders to an agency are required in the
14 case of a placement for adoption of a minor child by an
15 agency, the surrenders of the following persons shall be
16 sufficient:

17 (1) (A) The mother of the minor child; and

18 (B) The father of the minor child, if the father:

19 (i) was married to the mother on the date of
20 birth of the child or within 300 days before the
21 birth of the child, except for a husband or former
22 husband who has been found by a court of competent
23 jurisdiction not to be the biological father of the
24 child; or

25 (ii) is the father of the child under a
26 judgment for adoption, an order of parentage, or an
27 acknowledgment of parentage or paternity pursuant to
28 subsection (a) of Section 5 of the Illinois
29 Parentage Act of 1984; or

30 (iii) in the case of a child placed with the
31 adopting parents less than 6 months after birth,
32 openly lived with the child, the child's biological
33 mother, or both, and held himself out to be the
34 child's biological father during the first 30 days

1 following the birth of a child; or

2 (iv) in the case of a child placed with the
3 adopting parents less than 6 months after birth,
4 made a good faith effort to pay a reasonable amount
5 of the expenses related to the birth of the child
6 and to provide a reasonable amount for the financial
7 support of the child before the expiration of 30
8 days following the birth of the child, provided that
9 the court may consider in its determination all
10 relevant circumstances, including the financial
11 condition of both biological parents; or

12 (v) in the case of a child placed with the
13 adopting parents more than six months after birth,
14 has maintained substantial and continuous or
15 repeated contact with the child as manifested by:
16 (I) the payment by the father toward the support of
17 the child of a fair and reasonable sum, according to
18 the father's means, and either (II) the father's
19 visiting the child at least monthly when physically
20 and financially able to do so and not prevented from
21 doing so by the person or authorized agency having
22 lawful custody of the child or (III) the father's
23 regular communication with the child or with the
24 person or agency having the care or custody of the
25 child, when physically and financially unable to
26 visit the child or prevented from doing so by the
27 person or authorized agency having lawful custody of
28 the child. The subjective intent of the father,
29 whether expressed or otherwise, unsupported by
30 evidence of acts specified in this sub-paragraph as
31 manifesting such intent, shall not preclude a
32 determination that the father failed to maintain
33 substantial and continuous or repeated contact with
34 the child; or

1 (vi) in the case of a child placed with the
2 adopting parents more than six months after birth,
3 openly lived with the child for a period of six
4 months within the one year period immediately
5 preceding the placement of the child for adoption
6 and openly held himself out to be the father of the
7 child; or

8 (vii) has timely registered with the Putative
9 Father Registry, as provided in Section 12.1 of this
10 Act, and prior to the expiration of 30 days from the
11 date of such registration, commenced legal
12 proceedings to establish paternity under the
13 Illinois Parentage Act of 1984, or under the law of
14 the jurisdiction of the child's birth.

15 (d) In making a determination under subparagraphs (b)(1)
16 and (c)(1), no showing shall be required of diligent efforts
17 by a person or agency to encourage the father to perform the
18 acts specified therein.

19 (e) In the case of the adoption of an adult, only the
20 consent of such adult shall be required.

21 (Source: P.A. 90-15, eff. 6-13-97; 91-357, eff. 7-29-99.)