

1                                    AMENDMENT TO HOUSE BILL 3552

2            AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3552 by replacing  
3 everything after the enacting clause with the following:

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

1 12 of the Criminal Code of 1961; or-

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

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

8 (b) Where consents are required in the case of an  
9 adoption of a minor child, the consents of the following  
10 persons shall be sufficient:

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

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

13 (i) was married to the mother on the date of  
14 birth of the child or within 300 days before the  
15 birth of the child, except for a husband or former  
16 husband who has been found by a court of competent  
17 jurisdiction not to be the biological father of the  
18 child; or

19 (ii) is the father of the child under a  
20 judgment for adoption, an order of parentage, or an  
21 acknowledgment of parentage or paternity pursuant to  
22 subsection (a) of Section 5 of the Illinois  
23 Parentage Act of 1984; or

24 (iii) in the case of a child placed with the  
25 adopting parents less than 6 months after birth,  
26 openly lived with the child, the child's biological  
27 mother, or both, and held himself out to be the  
28 child's biological father during the first 30 days  
29 following the birth of the child; or

30 (iv) in the case of a child placed with the  
31 adopting parents less than 6 months after birth,  
32 made a good faith effort to pay a reasonable amount  
33 of the expenses related to the birth of the child  
34 and to provide a reasonable amount for the financial

1 support of the child before the expiration of 30  
2 days following the birth of the child, provided that  
3 the court may consider in its determination all  
4 relevant circumstances, including the financial  
5 condition of both biological parents; or

6 (v) in the case of a child placed with the  
7 adopting parents more than 6 months after birth, has  
8 maintained substantial and continuous or repeated  
9 contact with the child as manifested by: (I) the  
10 payment by the father toward the support of the  
11 child of a fair and reasonable sum, according to the  
12 father's means, and either (II) the father's  
13 visiting the child at least monthly when physically  
14 and financially able to do so and not prevented from  
15 doing so by the person or authorized agency having  
16 lawful custody of the child, or (III) the father's  
17 regular communication with the child or with the  
18 person or agency having the care or custody of the  
19 child, when physically and financially unable to  
20 visit the child or prevented from doing so by the  
21 person or authorized agency having lawful custody of  
22 the child. The subjective intent of the father,  
23 whether expressed or otherwise unsupported by  
24 evidence of acts specified in this sub-paragraph as  
25 manifesting such intent, shall not preclude a  
26 determination that the father failed to maintain  
27 substantial and continuous or repeated contact with  
28 the child; or

29 (vi) in the case of a child placed with the  
30 adopting parents more than six months after birth,  
31 openly lived with the child for a period of six  
32 months within the one year period immediately  
33 preceding the placement of the child for adoption  
34 and openly held himself out to be the father of the

1 child; or

2 (vii) has timely registered with Putative  
3 Father Registry, as provided in Section 12.1 of this  
4 Act, and prior to the expiration of 30 days from the  
5 date of such registration, commenced legal  
6 proceedings to establish paternity under the  
7 Illinois Parentage Act of 1984 or under the law of  
8 the jurisdiction of the child's birth; or

9 (2) The legal guardian of the person of the child,  
10 if there is no surviving parent; or

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

13 (4) Any person or agency having legal custody of a  
14 child by court order if the parental rights of the  
15 parents have been judicially terminated, and the court  
16 having jurisdiction of the guardianship of the child has  
17 authorized the consent to the adoption; or

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

22 (c) Where surrenders to an agency are required in the  
23 case of a placement for adoption of a minor child by an  
24 agency, the surrenders of the following persons shall be  
25 sufficient:

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

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

28 (i) was married to the mother on the date of  
29 birth of the child or within 300 days before the  
30 birth of the child, except for a husband or former  
31 husband who has been found by a court of competent  
32 jurisdiction not to be the biological father of the  
33 child; or

34 (ii) is the father of the child under a

1 judgment for adoption, an order of parentage, or an  
2 acknowledgment of parentage or paternity pursuant to  
3 subsection (a) of Section 5 of the Illinois  
4 Parentage Act of 1984; or

5 (iii) in the case of a child placed with the  
6 adopting parents less than 6 months after birth,  
7 openly lived with the child, the child's biological  
8 mother, or both, and held himself out to be the  
9 child's biological father during the first 30 days  
10 following the birth of a child; or

11 (iv) in the case of a child placed with the  
12 adopting parents less than 6 months after birth,  
13 made a good faith effort to pay a reasonable amount  
14 of the expenses related to the birth of the child  
15 and to provide a reasonable amount for the financial  
16 support of the child before the expiration of 30  
17 days following the birth of the child, provided that  
18 the court may consider in its determination all  
19 relevant circumstances, including the financial  
20 condition of both biological parents; or

21 (v) in the case of a child placed with the  
22 adopting parents more than six months after birth,  
23 has maintained substantial and continuous or  
24 repeated contact with the child as manifested by:  
25 (I) the payment by the father toward the support of  
26 the child of a fair and reasonable sum, according to  
27 the father's means, and either (II) the father's  
28 visiting the child at least monthly when physically  
29 and financially able to do so and not prevented from  
30 doing so by the person or authorized agency having  
31 lawful custody of the child or (III) the father's  
32 regular communication with the child or with the  
33 person or agency having the care or custody of the  
34 child, when physically and financially unable to

1 visit the child or prevented from doing so by the  
2 person or authorized agency having lawful custody of  
3 the child. The subjective intent of the father,  
4 whether expressed or otherwise, unsupported by  
5 evidence of acts specified in this sub-paragraph as  
6 manifesting such intent, shall not preclude a  
7 determination that the father failed to maintain  
8 substantial and continuous or repeated contact with  
9 the child; or

10 (vi) in the case of a child placed with the  
11 adopting parents more than six months after birth,  
12 openly lived with the child for a period of six  
13 months within the one year period immediately  
14 preceding the placement of the child for adoption  
15 and openly held himself out to be the father of the  
16 child; or

17 (vii) has timely registered with the Putative  
18 Father Registry, as provided in Section 12.1 of this  
19 Act, and prior to the expiration of 30 days from the  
20 date of such registration, commenced legal  
21 proceedings to establish paternity under the  
22 Illinois Parentage Act of 1984, or under the law of  
23 the jurisdiction of the child's birth.

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

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

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