



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
SB2496

Introduced 2/3/2004, by John J. Cullerton

SYNOPSIS AS INTRODUCED:

750 ILCS 50/7

from Ch. 40, par. 1509

Amends the Adoption Act. Provides that the sole purpose of notice shall be to enable the person receiving the notice to appear in the adoption proceedings to present evidence to the court relevant to whether the consent or surrender of the person to the adoption is required by the Act (instead of to present evidence to the court relevant to the best interests of the child). Provides that, if the court determines that the consent or surrender of the person is not required, then the person shall not be entitled to participate in the proceedings or to any further notice of the proceedings.

LRB093 20249 LCB 46012 b

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 Section
5 7 as follows:

6 (750 ILCS 50/7) (from Ch. 40, par. 1509)

7 Sec. 7. Process.

8 A. All persons named in the petition for adoption or
9 standby adoption, other than the petitioners and any party who
10 has previously either denied being a parent pursuant to Section
11 12a of this Act or whose rights have been terminated pursuant
12 to Section 12a of this Act, but including the person sought to
13 be adopted, shall be made parties defendant by name, and if the
14 name or names of any such persons are alleged in the petition
15 to be unknown such persons shall be made parties defendant
16 under the name and style of "All whom it may concern". In all
17 such actions petitioner or his attorney shall file, at the
18 office of the clerk of the court in which the action is
19 pending, an affidavit showing that the defendant resides or has
20 gone out of this State, or on due inquiry cannot be found, or
21 is concealed within this State, so that process cannot be
22 served upon him, and stating the place of residence of the
23 defendant, if known, or that upon diligent inquiry his place of
24 residence cannot be ascertained, the clerk shall cause
25 publication to be made in some newspaper published in the
26 county in which the action is pending. If there is no newspaper
27 published in that county, then the publication shall be in a
28 newspaper published in an adjoining county in this State,
29 having a circulation in the county in which such action is
30 pending. In the event there is service on any of the parties by
31 publication, the publication shall contain notice of pendency
32 of the action, the name of the person to be adopted and the

1 name of the parties to be served by publication, and the date
2 on or after which default may be entered against such parties.
3 Neither the name of petitioners nor the name of any party who
4 has either surrendered said child, has given their consent to
5 the adoption of the child, or whose parental rights have been
6 terminated by a court of competent jurisdiction shall be
7 included in the notice of publication. The Clerk shall also,
8 within ten (10) days of the first publication of the notice,
9 send a copy thereof by mail, addressed to each defendant whose
10 place of residence is stated in such affidavit. The certificate
11 of the Clerk that he sent the copies pursuant to this section
12 is evidence that he has done so. Except as provided in this
13 section pertaining to service by publication, all parties
14 defendant shall be notified of the proceedings in the same
15 manner as is now or may hereafter be required in other civil
16 cases or proceedings. Any party defendant who is of age of 14
17 years or upward may waive service of process by entering an
18 appearance in writing. The form to be used for publication
19 shall be substantially as follows: "ADOPTION NOTICE - STATE OF
20 ILLINOIS, County of, ss. - Circuit Court of County.
21 In the matter of the Petition for the Adoption of, a
22 ..male child. Adoption No. To-- (whom it may concern
23 or the named parent) Take notice that a petition was filed in
24 the Circuit Court of County, Illinois, for the adoption of
25 a child named, Now, therefore, unless you, and all
26 whom it may concern, file your answer to the Petition in the
27 action or otherwise file your appearance therein, in the said
28 Circuit Court of, County, Room,, in the City of
29, Illinois, on or before the day of, a default
30 may be entered against you at any time after that day and a
31 judgment entered in accordance with the prayer of said
32 Petition. Dated,, Illinois,, Clerk. (Name and
33 address of attorney for petitioners.)

34 B. A minor defendant who has been served in accordance with
35 this Section may be defaulted in the same manner as any other
36 defendant.

1 C. Notwithstanding any inconsistent provision of this or
2 any other law, and in addition to the notice requirements of
3 any law pertaining to persons other than those specified in
4 this subsection, the persons entitled to notice that a petition
5 has been filed under Section 5 of this Act shall include:

6 (a) any person adjudicated by a court in this State to
7 be the father of the child;

8 (b) any person adjudicated by a court of another state
9 or territory of the United States to be the father of the
10 child, when a certified copy of the court order has been
11 filed with the Putative Father Registry under Section 12.1
12 of this Act;

13 (c) any person who at the time of the filing of the
14 petition is registered in the Putative Father Registry
15 under Section 12.1 of this Act as the putative father of
16 the child;

17 (d) any person who is recorded on the child's birth
18 certificate as the child's father;

19 (e) any person who is openly living with the child or
20 the child's mother at the time the proceeding is initiated
21 and who is holding himself out to be the child's father;

22 (f) any person who has been identified as the child's
23 father by the mother in a written, sworn statement,
24 including an Affidavit of Identification as specified
25 under Section 11 of this Act;

26 (g) any person who was married to the child's mother on
27 the date of the child's birth or within 300 days prior to
28 the child's birth.

29 The sole purpose of notice under this Section shall be to
30 enable the person receiving notice to appear in the adoption
31 proceedings to present evidence to the court relevant to
32 whether the consent or surrender of the person to the adoption
33 is required pursuant to Section 8 of this Act. If the court
34 determines that the consent or surrender of the person is not
35 required pursuant to Section 8, then the person shall not be
36 entitled to participate in the proceedings or to any further

1 notice of the proceedings ~~the best interests of the child.~~

2 (Source: P.A. 91-572, eff. 1-1-00.)