



Rep. Sara Feigenholtz

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LRB093 20563 RLC 50802 a

1 AMENDMENT TO SENATE BILL 2499

2 AMENDMENT NO. _____. Amend Senate Bill 2499 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Child Care Act of 1969 is amended by adding
5 Section 14.5 as follows:

6 (225 ILCS 10/14.5 new)

7 Sec. 14.5. Offering, providing, or co-signing a loan or
8 other credit accommodation. No person or entity shall offer,
9 provide, or co-sign a loan or other credit accommodation,
10 directly or indirectly, with a biological parent or a relative
11 of a biological parent based on the contingency of a surrender
12 or placement of a child for adoption.

13 Section 10. The Adoption Compensation Prohibition Act is
14 amended by changing Section 4.1 as follows:

15 (720 ILCS 525/4.1) (from Ch. 40, par. 1704.1)

16 Sec. 4.1. Payment of certain expenses.

17 (a) A person or persons who have filed or intend to file a
18 petition to adopt a child under the Adoption Act shall be
19 permitted to pay the reasonable living expenses of the
20 biological parents of the child sought to be adopted, in
21 addition to those expenses set forth in Section 4, only in
22 accordance with the provisions of this Section.

1 "Reasonable living expenses" means the reasonable costs of
2 lodging, food, and clothing for the biological parents during
3 the period of the biological mother's pregnancy and for no more
4 than 30 days after the birth of the child. The term does not
5 include expenses for lost wages, gifts, educational expenses,
6 or other similar expenses of the biological parents.

7 (b) The petitioners may seek leave of the court to pay the
8 reasonable living expenses of the biological parents. They
9 shall be permitted to pay the reasonable living expenses of the
10 biological parents only upon prior order of the circuit court
11 where the petition for adoption will be filed, or if the
12 petition for adoption has been filed in the circuit court where
13 the petition is pending.

14 (c) Payments under this Section shall be permitted only in
15 those circumstances where there is a demonstrated need for the
16 payment of such expenses to protect the health of the
17 biological parents or the health of the child sought to be
18 adopted.

19 (d) Payment of their reasonable living expenses, as
20 provided in this Section, shall not obligate the biological
21 parents to place the child for adoption. In the event the
22 biological parents choose not to place the child for adoption,
23 the petitioners shall have no right to seek reimbursement of
24 moneys paid to the biological parents pursuant to a court order
25 under this Section.

26 (d-5) No person or entity shall offer, provide, or co-sign
27 a loan or any other credit accommodation, directly or
28 indirectly, with a biological parent or a relative of a
29 biological parent based on the contingency of a surrender or
30 placement of a child for adoption.

31 (e) Within 14 days after the completion of all payments for
32 reasonable living expenses of the biological parents under this
33 Section, the petitioners shall present a final accounting of
34 all those expenses to the court. The accounting shall include

1 vouchers for all moneys expended, copies of all checks written,
2 and receipts for all cash payments. The accounting shall also
3 include the verified statements of the petitioners, each
4 attorney of record, and the biological parents or parents to
5 whom or on whose behalf the payments were made attesting to the
6 accuracy of the accounting.

7 (f) If the placement of a child for adoption is made in
8 accordance with the Interstate Compact on the Placement of
9 Children, and if the sending state permits the payment of any
10 expenses of biological parents that are not permitted under
11 this Act, then the payment of those expenses shall not be a
12 violation of this Act. In that event, the petitioners shall
13 file an accounting of all payments of the expenses of the
14 biological parent or parents with the court in which the
15 petition for adoption is filed or is to be filed. The
16 accounting shall include a copy of the statutory provisions of
17 the sending state that permit payments in addition to those
18 permitted by this Act and a copy of all orders entered in the
19 sending state that relate to expenses of the biological parents
20 paid by the petitioners in the sending state.

21 (g) The petitioners shall be permitted to pay the
22 reasonable attorney's fees of the biological parents' attorney
23 in connection with proceedings under this Act or in connection
24 with proceedings for the adoption of the child. The attorney's
25 fees shall be paid only after a petition seeking leave to pay
26 those fees is filed with the court in which the adoption
27 proceeding is filed or to be filed. The court shall review the
28 petition for leave to pay attorney's fees, and if the court
29 determines that the fees requested are reasonable, the court
30 shall permit the petitioners to pay them. If the court
31 determines that the fees requested are not reasonable, the
32 court shall determine and set the reasonable attorney's fees of
33 the biological parents' attorney which may be paid by the
34 petitioners.

1 (h) The court may appoint a guardian ad litem for an unborn
2 child to represent the interests of the child in proceedings
3 under this Section.

4 (Source: P.A. 87-1129; 88-148.)".