

1 AN ACT in relation to criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

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.

23 "Reasonable living expenses" means the reasonable costs of  
24 lodging, food, and clothing for the biological parents during  
25 the period of the biological mother's pregnancy and for no more  
26 than 30 days after the birth of the child. The term does not  
27 include expenses for lost wages, gifts, educational expenses,  
28 or other similar expenses of the biological parents.

29 (b) The petitioners may seek leave of the court to pay the  
30 reasonable living expenses of the biological parents. They

1 shall be permitted to pay the reasonable living expenses of the  
2 biological parents only upon prior order of the circuit court  
3 where the petition for adoption will be filed, or if the  
4 petition for adoption has been filed in the circuit court where  
5 the petition is pending.

6 (c) Payments under this Section shall be permitted only in  
7 those circumstances where there is a demonstrated need for the  
8 payment of such expenses to protect the health of the  
9 biological parents or the health of the child sought to be  
10 adopted.

11 (d) Payment of their reasonable living expenses, as  
12 provided in this Section, shall not obligate the biological  
13 parents to place the child for adoption. In the event the  
14 biological parents choose not to place the child for adoption,  
15 the petitioners shall have no right to seek reimbursement of  
16 moneys paid to the biological parents pursuant to a court order  
17 under this Section.

18 (d-5) No person or entity shall offer, provide, or co-sign  
19 a loan or any other credit accommodation, directly or  
20 indirectly, with a biological parent or a relative of a  
21 biological parent based on the contingency of a surrender or  
22 placement of a child for adoption.

23 (e) Within 14 days after the completion of all payments for  
24 reasonable living expenses of the biological parents under this  
25 Section, the petitioners shall present a final accounting of  
26 all those expenses to the court. The accounting shall include  
27 vouchers for all moneys expended, copies of all checks written,  
28 and receipts for all cash payments. The accounting shall also  
29 include the verified statements of the petitioners, each  
30 attorney of record, and the biological parents or parents to  
31 whom or on whose behalf the payments were made attesting to the  
32 accuracy of the accounting.

33 (f) If the placement of a child for adoption is made in  
34 accordance with the Interstate Compact on the Placement of  
35 Children, and if the sending state permits the payment of any  
36 expenses of biological parents that are not permitted under

1 this Act, then the payment of those expenses shall not be a  
2 violation of this Act. In that event, the petitioners shall  
3 file an accounting of all payments of the expenses of the  
4 biological parent or parents with the court in which the  
5 petition for adoption is filed or is to be filed. The  
6 accounting shall include a copy of the statutory provisions of  
7 the sending state that permit payments in addition to those  
8 permitted by this Act and a copy of all orders entered in the  
9 sending state that relate to expenses of the biological parents  
10 paid by the petitioners in the sending state.

11 (g) The petitioners shall be permitted to pay the  
12 reasonable attorney's fees of the biological parents' attorney  
13 in connection with proceedings under this Act or in connection  
14 with proceedings for the adoption of the child. The attorney's  
15 fees shall be paid only after a petition seeking leave to pay  
16 those fees is filed with the court in which the adoption  
17 proceeding is filed or to be filed. The court shall review the  
18 petition for leave to pay attorney's fees, and if the court  
19 determines that the fees requested are reasonable, the court  
20 shall permit the petitioners to pay them. If the court  
21 determines that the fees requested are not reasonable, the  
22 court shall determine and set the reasonable attorney's fees of  
23 the biological parents' attorney which may be paid by the  
24 petitioners.

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

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