



**Filed: 3/9/2005**

09400HB1429ham001

LRB094 08433 LCB 43292 a

1 AMENDMENT TO HOUSE BILL 1429

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1429 by replacing by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Adoption Act is amended by changing Section  
6 6 as follows:

7 (750 ILCS 50/6) (from Ch. 40, par. 1508)

8 Sec. 6. Investigation.

9 A. Investigation; all cases. Within 10 days after the  
10 filing of a petition for the adoption or standby adoption of a  
11 child other than a related child, the court shall appoint a  
12 child welfare agency approved by the Department of Children and  
13 Family Services, or a person deemed competent by the court, or  
14 in Cook County the Court Services Division of the Cook County  
15 Department of Public Aid, or the Department of Children and  
16 Family Services if the court determines that no child welfare  
17 agency is available or that the petitioner is financially  
18 unable to pay for the investigation, to investigate accurately,  
19 fully and promptly, the allegations contained in the petition;  
20 the character, reputation, health and general standing in the  
21 community of the petitioners; the religious faith of the  
22 petitioners and, if ascertainable, of the child sought to be  
23 adopted; and whether the petitioners are proper persons to  
24 adopt the child and whether the child is a proper subject of

1 adoption. The investigation required under this Section shall  
2 include a fingerprint based criminal background check with a  
3 review of fingerprints by the Illinois State Police and Federal  
4 Bureau of Investigation. Each petitioner subject to this  
5 investigation, shall submit his or her fingerprints to the  
6 Department of State Police in the form and manner prescribed by  
7 the Department of State Police. These fingerprints shall be  
8 checked against the fingerprint records now and hereafter filed  
9 in the Department of State Police and Federal Bureau of  
10 Investigation criminal history records databases. The  
11 Department of State Police shall charge a fee for conducting  
12 the criminal history records check, which shall be deposited in  
13 the State Police Services Fund and shall not exceed the actual  
14 cost of the records check. The criminal background check  
15 required by this Section shall include a listing of when, where  
16 and by whom the criminal background check was prepared. The  
17 criminal background check required by this Section shall not be  
18 more than two years old.

19 Neither a clerk of the circuit court nor a judge may  
20 require that a criminal background check or fingerprint review  
21 be filed with, or at the same time as, an initial petition for  
22 adoption.

23 A-5. As part of the investigation process, the  
24 court-appointed investigator shall present to the petitioner a  
25 Designation of Standby Guardian Designee form and information  
26 regarding guardianship so that the petitioner can include  
27 guardianship designation in the adoption process if the  
28 petitioner so chooses.

29 B. Investigation; foreign-born child. In the case of a  
30 child born outside the United States or a territory thereof, in  
31 addition to the investigation required under subsection (A) of  
32 this Section, a post-placement investigation shall be  
33 conducted in accordance with the requirements of the Child Care  
34 Act of 1969, the Interstate Compact on the Placement of

1 Children, and regulations of the foreign placing agency and the  
2 supervising agency.

3 The requirements of a post-placement investigation shall  
4 be deemed to have been satisfied if a valid final order or  
5 judgment of adoption has been entered by a court of competent  
6 jurisdiction in a country other than the United States or a  
7 territory thereof with respect to such child and the  
8 petitioners.

9 C. Report of investigation. The court shall determine  
10 whether the costs of the investigation shall be charged to the  
11 petitioners. The information obtained as a result of such  
12 investigation shall be presented to the court in a written  
13 report. The results of the criminal background check required  
14 under subsection (A) shall be provided to the court for its  
15 review. The court may, in its discretion, weigh the  
16 significance of the results of the criminal background check  
17 against the entirety of the background of the petitioners. The  
18 Court, in its discretion, may accept the report of the  
19 investigation previously made by a licensed child welfare  
20 agency, if made within one year prior to the entry of the  
21 judgment. Such report shall be treated as confidential and  
22 withheld from inspection unless findings adverse to the  
23 petitioners or to the child sought to be adopted are contained  
24 therein, and in that event the court shall inform the  
25 petitioners of the relevant portions pertaining to the adverse  
26 findings. In no event shall any facts set forth in the report  
27 be considered at the hearing of the proceeding, unless  
28 established by competent evidence. The report shall be filed  
29 with the record of the proceeding. If the file relating to the  
30 proceeding is not impounded, the report shall be impounded by  
31 the clerk of the court and shall be made available for  
32 inspection only upon order of the court.

33 D. Related adoption. Such investigation shall not be made  
34 when the petition seeks to adopt a related child or an adult

1 unless the court, in its discretion, shall so order. In such an  
2 event the court may appoint a person deemed competent by the  
3 court.

4 (Source: P.A. 93-418, eff. 1-1-04.)".