

1 AN ACT concerning families.

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 6 as follows:

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

7 Sec. 6. Investigation.

8 A. Investigation; all cases. Within 10 days after the
9 filing of a petition for the adoption or standby adoption of a
10 child other than a related child, the court shall appoint a
11 child welfare agency approved by the Department of Children and
12 Family Services, or a person deemed competent by the court, or
13 in Cook County the Court Services Division of the Cook County
14 Department of Public Aid, or the Department of Children and
15 Family Services if the court determines that no child welfare
16 agency is available or that the petitioner is financially
17 unable to pay for the investigation, to investigate accurately,
18 fully and promptly, the allegations contained in the petition;
19 the character, reputation, health and general standing in the
20 community of the petitioners; the religious faith of the
21 petitioners and, if ascertainable, of the child sought to be
22 adopted; and whether the petitioners are proper persons to
23 adopt the child and whether the child is a proper subject of
24 adoption. The investigation required under this Section shall
25 include a fingerprint based criminal background check with a
26 review of fingerprints by the Illinois State Police and Federal
27 Bureau of Investigation. Each petitioner subject to this
28 investigation, shall submit his or her fingerprints to the
29 Department of State Police in the form and manner prescribed by
30 the Department of State Police. These fingerprints shall be
31 checked against the fingerprint records now and hereafter filed
32 in the Department of State Police and Federal Bureau of

1 Investigation criminal history records databases. The
2 Department of State Police shall charge a fee for conducting
3 the criminal history records check, which shall be deposited in
4 the State Police Services Fund and shall not exceed the actual
5 cost of the records check. The criminal background check
6 required by this Section shall include a listing of when, where
7 and by whom the criminal background check was prepared. The
8 criminal background check required by this Section shall not be
9 more than two years old.

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

14 A-5. As part of the investigation process, the
15 court-appointed investigator shall present to the petitioner a
16 Designation of Standby Guardian Designee form and information
17 regarding guardianship so that the petitioner can include
18 guardianship designation in the adoption process if the
19 petitioner so chooses.

20 B. Investigation; foreign-born child. In the case of a
21 child born outside the United States or a territory thereof, in
22 addition to the investigation required under subsection (A) of
23 this Section, a post-placement investigation shall be
24 conducted in accordance with the requirements of the Child Care
25 Act of 1969, the Interstate Compact on the Placement of
26 Children, and regulations of the foreign placing agency and the
27 supervising agency.

28 The requirements of a post-placement investigation shall
29 be deemed to have been satisfied if a valid final order or
30 judgment of adoption has been entered by a court of competent
31 jurisdiction in a country other than the United States or a
32 territory thereof with respect to such child and the
33 petitioners.

34 C. Report of investigation. The court shall determine
35 whether the costs of the investigation shall be charged to the
36 petitioners. The information obtained as a result of such

1 investigation shall be presented to the court in a written
2 report. The results of the criminal background check required
3 under subsection (A) shall be provided to the court for its
4 review. The court may, in its discretion, weigh the
5 significance of the results of the criminal background check
6 against the entirety of the background of the petitioners. The
7 Court, in its discretion, may accept the report of the
8 investigation previously made by a licensed child welfare
9 agency, if made within one year prior to the entry of the
10 judgment. Such report shall be treated as confidential and
11 withheld from inspection unless findings adverse to the
12 petitioners or to the child sought to be adopted are contained
13 therein, and in that event the court shall inform the
14 petitioners of the relevant portions pertaining to the adverse
15 findings. In no event shall any facts set forth in the report
16 be considered at the hearing of the proceeding, unless
17 established by competent evidence. The report shall be filed
18 with the record of the proceeding. If the file relating to the
19 proceeding is not impounded, the report shall be impounded by
20 the clerk of the court and shall be made available for
21 inspection only upon order of the court.

22 D. Related adoption. Such investigation shall not be made
23 when the petition seeks to adopt a related child or an adult
24 unless the court, in its discretion, shall so order. In such an
25 event the court may appoint a person deemed competent by the
26 court.

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