



Rep. Sara Feigenholtz

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1 AMENDMENT TO HOUSE BILL 3628

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3628, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Child Care Act of 1969 is amended by  
6 changing Sections 2, 2.05, 2.08, 4, 7, 8, 11, 11.1, and 12 and  
7 by adding Sections 2.24, 2.25, 7.4, 7.5, 7.6, 7.7, 7.8, 8.3,  
8 8.4, 9.1a, 9.1b, 14.6, and 14.7 as follows:

9 (225 ILCS 10/2) (from Ch. 23, par. 2212)

10 Sec. 2. Terms used in this Act, unless the context  
11 otherwise requires, have the meanings ascribed to them in  
12 Sections 2.01 through 2.25 ~~2.21~~.

13 (Source: P.A. 86-278; 86-386.)

14 (225 ILCS 10/2.05) (from Ch. 23, par. 2212.05)

15 Sec. 2.05. "Facility for child care" or "child care  
16 facility" means any person, group of persons, agency,  
17 association, ~~or~~ organization, corporation, institution,  
18 center, or group, whether established for gain or otherwise,  
19 who or which receives or arranges for care or placement of one  
20 or more children, unrelated to the operator of the facility,  
21 apart from the parents, with or without the transfer of the  
22 right of custody in any facility as defined in this Act,  
23 established and maintained for the care of children. "Child

1 care facility" includes a relative who is licensed as a foster  
2 family home under Section 4 of this Act.

3 (Source: P.A. 89-21, eff. 7-1-95.)

4 (225 ILCS 10/2.08) (from Ch. 23, par. 2212.08)  
5 Sec. 2.08.

6 "Child welfare agency" means a public or private child care  
7 facility, receiving any child or children for the purpose of  
8 placing or arranging for the placement or free care of the  
9 child or children in foster family homes, unlicensed  
10 pre-adoptive and adoptive homes, or other facilities for child  
11 care, apart from the custody of the child's or children's  
12 parents. The term "child welfare agency" includes all agencies  
13 established and maintained by a municipality or other political  
14 subdivision of the State of Illinois to protect, guard, train  
15 or care for children outside their own homes and all agencies,  
16 persons, groups of persons, associations, organizations,  
17 corporations, institutions, centers, or groups providing  
18 adoption services, but does not include any circuit court or  
19 duly appointed juvenile probation officer or youth counselor of  
20 the court, who receives and places children under an order of  
21 the court.

22 (Source: P.A. 76-63.)

23 (225 ILCS 10/2.24 new)

24 Sec. 2.24. "Adoption services" includes any one or more of  
25 the following services performed for any type of compensation  
26 or thing of value, directly or indirectly: (i) arranging for  
27 the placement of or placing out a child, (ii) identifying a  
28 child for adoption, (iii) matching adoptive parents with  
29 biological parents, (iv) arranging or facilitating an  
30 adoption, (v) taking or acknowledging consents or surrenders  
31 for termination of parental rights for purposes of adoption, as  
32 defined in the Adoption Act, (vi) performing background studies

1 on a child or adoptive parents, (vii) making determinations of  
2 the best interests of a child and the appropriateness of  
3 adoptive placement for the child, or (viii) post-placement  
4 monitoring of a child prior to adoption. "Adoption services"  
5 does not include the following: (i) the provision of legal  
6 services by a licensed attorney for which the attorney must be  
7 licensed as an attorney under Illinois law, (ii)  
8 adoption-related services performed by public governmental  
9 entities or entities or persons performing investigations by  
10 court appointment as described in subsection A of Section 6 of  
11 the Adoption Act, (iii) prospective adoptive parents operating  
12 on their own behalf, (iv) the provision of general education  
13 and training on adoption-related topics, or (v) post-adoption  
14 services, including supportive services to families to promote  
15 the well-being of members of adoptive families or birth  
16 families.

17 (225 ILCS 10/2.25 new)

18 Sec. 2.25. "Unlicensed pre-adoptive and adoptive home"  
19 means any home that is not licensed by the Department as a  
20 foster family home and that receives a child or children for  
21 the purpose of adopting the child or children.

22 (225 ILCS 10/4) (from Ch. 23, par. 2214)

23 Sec. 4. License requirement; application; notice.

24 (a) Any person, group of persons or corporation who or  
25 which receives children or arranges for care or placement of  
26 one or more children unrelated to the operator must apply for a  
27 license to operate one of the types of facilities defined in  
28 Sections 2.05 through 2.19 and in Section 2.22 of this Act. Any  
29 relative who receives a child or children for placement by the  
30 Department on a full-time basis may apply for a license to  
31 operate a foster family home as defined in Section 2.17 of this  
32 Act.

1       (a-5) Any agency, person, group of persons, association,  
2 organization, corporation, institution, center, or group  
3 providing adoption services must be licensed by the Department  
4 as a child welfare agency as defined in Section 2.08 of this  
5 Act. "Providing adoption services" as used in this Act,  
6 includes facilitating or engaging in adoption services.

7       (b) Application for a license to operate a child care  
8 facility must be made to the Department in the manner and on  
9 forms prescribed by it. An application to operate a foster  
10 family home shall include, at a minimum: a completed written  
11 form; written authorization by the applicant and all adult  
12 members of the applicant's household to conduct a criminal  
13 background investigation; medical evidence in the form of a  
14 medical report, on forms prescribed by the Department, that the  
15 applicant and all members of the household are free from  
16 communicable diseases or physical and mental conditions that  
17 affect their ability to provide care for the child or children;  
18 the names and addresses of at least 3 persons not related to  
19 the applicant who can attest to the applicant's moral  
20 character; and fingerprints submitted by the applicant and all  
21 adult members of the applicant's household.

22       (c) The Department shall notify the public when a child  
23 care institution, maternity center, or group home licensed by  
24 the Department undergoes a change in (i) the range of care or  
25 services offered at the facility, (ii) the age or type of  
26 children served, or (iii) the area within the facility used by  
27 children. The Department shall notify the public of the change  
28 in a newspaper of general circulation in the county or  
29 municipality in which the applicant's facility is or is  
30 proposed to be located.

31       (d) If, upon examination of the facility and investigation  
32 of persons responsible for care of children, the Department is  
33 satisfied that the facility and responsible persons reasonably  
34 meet standards prescribed for the type of facility for which

1 application is made, it shall issue a license in proper form,  
2 designating on that license the type of child care facility  
3 and, except for a child welfare agency, the number of children  
4 to be served at any one time.

5 (e) The Department shall not issue or renew the license of  
6 any child welfare agency providing adoption services, unless  
7 the agency (i) is officially recognized by the United States  
8 Internal Revenue Service as a tax-exempt organization  
9 described in Section 501(c)(3) of the Internal Revenue Code of  
10 1986 (or any successor provision of federal tax law) and (ii)  
11 is in compliance with all of the standards necessary to  
12 maintain its status as an organization described in Section  
13 501(c)(3) of the Internal Revenue Code of 1986 (or any  
14 successor provision of federal tax law). The Department shall  
15 grant a grace period of 24 months from the effective date of  
16 this amendatory Act of the 94th General Assembly for existing  
17 child welfare agencies providing adoption services to obtain  
18 501(c)(3) status. The Department shall permit an existing child  
19 welfare agency that converts from its current structure in  
20 order to be recognized as a 501(c)(3) organization as required  
21 by this Section to either retain its current license or  
22 transfer its current license to a newly formed entity, if the  
23 creation of a new entity is required in order to comply with  
24 this Section, provided that the child welfare agency  
25 demonstrates that it continues to meet all other licensing  
26 requirements and that the principal officers and directors and  
27 programs of the converted child welfare agency or newly  
28 organized child welfare agency are substantially the same as  
29 the original. The Department shall have the sole discretion to  
30 grant a one year extension to any agency unable to obtain  
31 501(c)(3) status within the timeframe specified in this  
32 subsection (e), provided that such agency has filed an  
33 application for 501(c)(3) status with the Internal Revenue  
34 Service within the 2-year timeframe specified in this

1 subsection (e).

2 (Source: P.A. 89-21, eff. 7-1-95; 90-90, eff. 7-11-97; 90-608,  
3 eff. 6-30-98.)

4 (225 ILCS 10/7) (from Ch. 23, par. 2217)

5 Sec. 7. (a) The Department must prescribe and publish  
6 minimum standards for licensing that apply to the various types  
7 of facilities for child care defined in this Act and that are  
8 equally applicable to like institutions under the control of  
9 the Department and to foster family homes used by and under the  
10 direct supervision of the Department. The Department shall seek  
11 the advice and assistance of persons representative of the  
12 various types of child care facilities in establishing such  
13 standards. The standards prescribed and published under this  
14 Act take effect as provided in the Illinois Administrative  
15 Procedure Act, and are restricted to regulations pertaining to  
16 the following matters and to any rules and regulations required  
17 or permitted by any other Section of this Act:

18 (1) The operation and conduct of the facility and  
19 responsibility it assumes for child care;

20 (2) The character, suitability and qualifications of  
21 the applicant and other persons directly responsible for  
22 the care and welfare of children served. All child day care  
23 center licensees and employees who are required to report  
24 child abuse or neglect under the Abused and Neglected Child  
25 Reporting Act shall be required to attend training on  
26 recognizing child abuse and neglect, as prescribed by  
27 Department rules;

28 (3) The general financial ability and competence of the  
29 applicant to provide necessary care for children and to  
30 maintain prescribed standards;

31 (4) The number of individuals or staff required to  
32 insure adequate supervision and care of the children  
33 received. The standards shall provide that each child care

1 institution, maternity center, day care center, group  
2 home, day care home, and group day care home shall have on  
3 its premises during its hours of operation at least one  
4 staff member certified in first aid, in the Heimlich  
5 maneuver and in cardiopulmonary resuscitation by the  
6 American Red Cross or other organization approved by rule  
7 of the Department. Child welfare agencies shall not be  
8 subject to such a staffing requirement. The Department may  
9 offer, or arrange for the offering, on a periodic basis in  
10 each community in this State in cooperation with the  
11 American Red Cross, the American Heart Association or other  
12 appropriate organization, voluntary programs to train  
13 operators of foster family homes and day care homes in  
14 first aid and cardiopulmonary resuscitation;

15 (5) The appropriateness, safety, cleanliness and  
16 general adequacy of the premises, including maintenance of  
17 adequate fire prevention and health standards conforming  
18 to State laws and municipal codes to provide for the  
19 physical comfort, care and well-being of children  
20 received;

21 (6) Provisions for food, clothing, educational  
22 opportunities, program, equipment and individual supplies  
23 to assure the healthy physical, mental and spiritual  
24 development of children served;

25 (7) Provisions to safeguard the legal rights of  
26 children served;

27 (8) Maintenance of records pertaining to the  
28 admission, progress, health and discharge of children,  
29 including, for day care centers and day care homes, records  
30 indicating each child has been immunized as required by  
31 State regulations. The Department shall require proof that  
32 children enrolled in a facility have been immunized against  
33 Haemophilus Influenzae B (HIB);

34 (9) Filing of reports with the Department;

1 (10) Discipline of children;

2 (11) Protection and fostering of the particular  
3 religious faith of the children served;

4 (12) Provisions prohibiting firearms on day care  
5 center premises except in the possession of peace officers;

6 (13) Provisions prohibiting handguns on day care home  
7 premises except in the possession of peace officers or  
8 other adults who must possess a handgun as a condition of  
9 employment and who reside on the premises of a day care  
10 home;

11 (14) Provisions requiring that any firearm permitted  
12 on day care home premises, except handguns in the  
13 possession of peace officers, shall be kept in a  
14 disassembled state, without ammunition, in locked storage,  
15 inaccessible to children and that ammunition permitted on  
16 day care home premises shall be kept in locked storage  
17 separate from that of disassembled firearms, inaccessible  
18 to children;

19 (15) Provisions requiring notification of parents or  
20 guardians enrolling children at a day care home of the  
21 presence in the day care home of any firearms and  
22 ammunition and of the arrangements for the separate, locked  
23 storage of such firearms and ammunition.

24 (b) If, in a facility for general child care, there are  
25 children diagnosed as mentally ill, mentally retarded or  
26 physically handicapped, who are determined to be in need of  
27 special mental treatment or of nursing care, or both mental  
28 treatment and nursing care, the Department shall seek the  
29 advice and recommendation of the Department of Human Services,  
30 the Department of Public Health, or both Departments regarding  
31 the residential treatment and nursing care provided by the  
32 institution.

33 (c) The Department shall investigate any person applying to  
34 be licensed as a foster parent to determine whether there is



1 any evidence of current drug or alcohol abuse in the  
2 prospective foster family. The Department shall not license a  
3 person as a foster parent if drug or alcohol abuse has been  
4 identified in the foster family or if a reasonable suspicion of  
5 such abuse exists, except that the Department may grant a  
6 foster parent license to an applicant identified with an  
7 alcohol or drug problem if the applicant has successfully  
8 participated in an alcohol or drug treatment program, self-help  
9 group, or other suitable activities.

10 (d) The Department, in applying standards prescribed and  
11 published, as herein provided, shall offer consultation  
12 through employed staff or other qualified persons to assist  
13 applicants and licensees in meeting and maintaining minimum  
14 requirements for a license and to help them otherwise to  
15 achieve programs of excellence related to the care of children  
16 served. Such consultation shall include providing information  
17 concerning education and training in early childhood  
18 development to providers of day care home services. The  
19 Department may provide or arrange for such education and  
20 training for those providers who request such assistance.

21 (e) The Department shall distribute copies of licensing  
22 standards to all licensees and applicants for a license. Each  
23 licensee or holder of a permit shall distribute copies of the  
24 appropriate licensing standards and any other information  
25 required by the Department to child care facilities under its  
26 supervision. Each licensee or holder of a permit shall maintain  
27 appropriate documentation of the distribution of the  
28 standards. Such documentation shall be part of the records of  
29 the facility and subject to inspection by authorized  
30 representatives of the Department.

31 (f) The Department shall prepare summaries of day care  
32 licensing standards. Each licensee or holder of a permit for a  
33 day care facility shall distribute a copy of the appropriate  
34 summary and any other information required by the Department,

1 to the legal guardian of each child cared for in that facility  
2 at the time when the child is enrolled or initially placed in  
3 the facility. The licensee or holder of a permit for a day care  
4 facility shall secure appropriate documentation of the  
5 distribution of the summary and brochure. Such documentation  
6 shall be a part of the records of the facility and subject to  
7 inspection by an authorized representative of the Department.

8 (g) The Department shall distribute to each licensee and  
9 holder of a permit copies of the licensing or permit standards  
10 applicable to such person's facility. Each licensee or holder  
11 of a permit shall make available by posting at all times in a  
12 common or otherwise accessible area a complete and current set  
13 of licensing standards in order that all employees of the  
14 facility may have unrestricted access to such standards. All  
15 employees of the facility shall have reviewed the standards and  
16 any subsequent changes. Each licensee or holder of a permit  
17 shall maintain appropriate documentation of the current review  
18 of licensing standards by all employees. Such records shall be  
19 part of the records of the facility and subject to inspection  
20 by authorized representatives of the Department.

21 (h) Any standards involving physical examinations,  
22 immunization, or medical treatment shall include appropriate  
23 exemptions for children whose parents object thereto on the  
24 grounds that they conflict with the tenets and practices of a  
25 recognized church or religious organization, of which the  
26 parent is an adherent or member, and for children who should  
27 not be subjected to immunization for clinical reasons.

28 (Source: P.A. 89-274, eff. 1-1-96; 89-507, eff. 7-1-97; 89-648,  
29 eff. 8-9-96; 90-14, eff. 7-1-97.)

30 (225 ILCS 10/7.4 new)

31 Sec. 7.4. Disclosures.

32 (a) Every child welfare agency providing adoption services  
33 and licensed by the Department shall provide to all prospective

1 clients and to the public written disclosures with respect to  
2 its adoption services, policies, and practices, including  
3 general eligibility criteria, fees, and the mutual rights and  
4 responsibilities of clients, including biological parents and  
5 adoptive parents. The written disclosure shall be posted on any  
6 website maintained by the child welfare agency that relates to  
7 adoption services. The Department shall adopt rules relating to  
8 the contents of the written disclosures.

9 (b) Every licensed child welfare agency providing adoption  
10 services shall provide to all applicants, prior to application,  
11 a written schedule of estimated fees, expenses, and refund  
12 policies. Every child welfare agency providing adoption  
13 services shall have a written policy that shall be part of its  
14 standard adoption contract and state that it will not charge  
15 additional fees and expenses beyond those disclosed in the  
16 adoption contract unless additional fees are reasonably  
17 required by the circumstances and are disclosed to the adoptive  
18 parents or parent before they are incurred. The Department  
19 shall adopt rules relating to the contents of the written  
20 schedule and policy.

21 (c) Every licensed child welfare agency providing adoption  
22 services must make full and fair disclosure to its clients,  
23 including biological parents and adoptive parents, of all  
24 circumstances material to the placement of a child for  
25 adoption. The Department shall adopt rules necessary for the  
26 implementation and regulation of the requirements of this  
27 subsection (c).

28 (d) Every licensed child welfare agency providing adoption  
29 services shall meet minimum standards set forth by the  
30 Department prior to taking or acknowledging a consent from a  
31 prospective biological parent. The Department shall adopt  
32 rules concerning the minimum standards required by agencies  
33 under this Section.

1 (225 ILCS 10/7.5 new)

2 Sec. 7.5. Adoptive parent training program. Every licensed  
3 child welfare agency providing adoption services shall provide  
4 prospective adoptive parents with a training program that  
5 includes counseling and guidance for the purpose of promoting a  
6 successful adoption in conjunction with placing a child for  
7 adoption with the prospective adoptive parents and which must  
8 be completed to the satisfaction of the licensed child welfare  
9 agency prior to the finalization of the adoption. The training  
10 may be provided by an agent or independent contractor of the  
11 child welfare agency or by a Department-approved training  
12 individual or entity. The Department shall adopt rules  
13 concerning minimum hours, content, and agency documentation of  
14 the training and rules concerning the approval of individuals  
15 or entities conducting training under this Section.

16 (225 ILCS 10/7.6 new)

17 Sec. 7.6. Annual report. Every licensed child welfare  
18 agency providing adoption services shall file an annual report  
19 with the Department and with the Attorney General on forms and  
20 on a date prescribed by the Department. The annual report shall  
21 be made available to the public by the Department and by the  
22 agency. The annual report shall include all of the following  
23 matters and all other matters required by the Department:

24 (1) A balance sheet and a statement of income and  
25 expenses for the year, certified by an independent public  
26 accountant;

27 (2) Non-identifying information concerning the  
28 placements made by the agency during the year, consisting  
29 of the number of adoptive families in the process of  
30 obtaining a foster family license, the number of adoptive  
31 families that are licensed and awaiting placement, the  
32 number of biological parents that the agency is actively  
33 working with, the number of placements, and the number of

1       adoptions initiated during the year and the status of each  
2       matter at the end of the year;

3       (3) Any instance during the year in which the agency  
4       lost the right to provide adoption services in any State or  
5       country, had its license suspended for cause, or was the  
6       subject of other sanctions by any court, governmental  
7       agency, or governmental regulatory body relating to the  
8       provision of adoption services;

9       (4) Any actions related to licensure that were  
10       initiated against the agency during the year by a licensing  
11       or accrediting body;

12       (5) Any pending investigations by federal or State  
13       authorities;

14       (6) Any criminal charges, child abuse charges,  
15       malpractice complaints, or lawsuits against the agency or  
16       any of its employees, officers, or directors related to the  
17       provision of adoption services and the basis or disposition  
18       of the actions;

19       (7) Any instance in the year where the agency was found  
20       guilty of, or pled guilty to, any criminal or civil or  
21       administrative violation under federal, State, or foreign  
22       law that relates to the provision of adoption services;

23       (8) Any instance in the year where any employee,  
24       officer, or director of the agency was found guilty of any  
25       crime or was determined to have violated a civil law or  
26       administrative rule under federal, State, or foreign law  
27       relating to the provision of adoption services; and

28       (9) Any civil or administrative proceeding instituted  
29       by the agency during the year and relating to adoption  
30       services, excluding uncontested adoption proceedings and  
31       proceedings filed pursuant to Section 12a of the Adoption  
32       Act.

33       Failure to disclose information required under this  
34       Section may result in the suspension of the agency's license

1 for a period of 90 days. Subsequent violations may result in  
2 revocation of the license.

3 Information disclosed in accordance with this Section  
4 shall be subject to the applicable confidentiality  
5 requirements of this Act and the Adoption Act.

6 (225 ILCS 10/7.7 new)

7 Sec. 7.7. Certain waivers prohibited. Licensed child  
8 welfare agencies providing adoption services shall not require  
9 biological or adoptive parents to sign any document that  
10 purports to waive claims against an agency for intentional or  
11 reckless acts or omissions or for gross negligence. Nothing in  
12 this Section shall require an agency to assume risks that are  
13 not within the reasonable control of the agency.

14 (225 ILCS 10/7.8 new)

15 Sec. 7.8. Preferential treatment in child placement  
16 prohibited. No licensed child welfare agency providing  
17 adoption services shall give preferential treatment to its  
18 board members, contributors, volunteers, employees, agents,  
19 consultants, or independent contractors or to their relatives  
20 with respect to the placement of a child or any matters  
21 relating to adoption services. The Department shall define  
22 "preferential treatment" by rule and shall adopt any rules  
23 necessary to implement this Section.

24 (225 ILCS 10/8) (from Ch. 23, par. 2218)

25 Sec. 8. The Department may revoke or refuse to renew the  
26 license of any child care facility or child welfare agency or  
27 refuse to issue full license to the holder of a permit should  
28 the licensee or holder of a permit:

29 (1) fail to maintain standards prescribed and published by  
30 the Department;

31 (2) violate any of the provisions of the license issued;

1           (3) furnish or make any misleading or any false statement  
2 or report to the Department;

3           (4) refuse to submit to the Department any reports or  
4 refuse to make available to the Department any records required  
5 by the Department in making investigation of the facility for  
6 licensing purposes;

7           (5) fail or refuse to submit to an investigation by the  
8 Department;

9           (6) fail or refuse to admit authorized representatives of  
10 the Department at any reasonable time for the purpose of  
11 investigation;

12           (7) fail to provide, maintain, equip and keep in safe and  
13 sanitary condition premises established or used for child care  
14 as required under standards prescribed by the Department, or as  
15 otherwise required by any law, regulation or ordinance  
16 applicable to the location of such facility;

17           (8) refuse to display its license or permit;

18           (9) be the subject of an indicated report under Section 3  
19 of the Abused and Neglected Child Reporting Act or fail to  
20 discharge or sever affiliation with the child care facility of  
21 an employee or volunteer at the facility with direct contact  
22 with children who is the subject of an indicated report under  
23 Section 3 of that Act;

24           (10) fail to comply with the provisions of Section 7.1;

25           (11) fail to exercise reasonable care in the hiring,  
26 training and supervision of facility personnel;

27           (12) fail to report suspected abuse or neglect of children  
28 within the facility, as required by the Abused and Neglected  
29 Child Reporting Act;

30           (13) fail to comply with Section 5.1 or 5.2 of this Act; or

31           (14) be identified in an investigation by the Department as  
32 an addict or alcoholic, as defined in the Alcoholism and Other  
33 Drug Abuse and Dependency Act, or be a person whom the  
34 Department knows has abused alcohol or drugs, and has not

1 successfully participated in treatment, self-help groups or  
2 other suitable activities, and the Department determines that  
3 because of such abuse the licensee, holder of the permit, or  
4 any other person directly responsible for the care and welfare  
5 of the children served, does not comply with standards relating  
6 to character, suitability or other qualifications established  
7 under Section 7 of this Act.

8 (Source: P.A. 91-357, eff. 7-29-99; 91-413, eff. 1-1-00.)

9 (225 ILCS 10/8.3 new)

10 Sec. 8.3. Tax exempt agency. The Department shall revoke  
11 or refuse to renew the license of any child welfare agency  
12 providing adoption services that is not (i) officially  
13 recognized by the United States Internal Revenue Service as a  
14 tax-exempt organization described in Section 501(c)(3) of the  
15 Internal Revenue Code of 1986 (or any successor provision of  
16 federal tax law) and (ii) in compliance with all of the  
17 standards necessary to maintain its status as an organization  
18 described in Section 501(c)(3) of the Internal Revenue Code of  
19 1986 (or any successor provision of federal tax law). The  
20 Department shall grant a grace period of 24 months from the  
21 effective date of this amendatory Act of the 94th General  
22 Assembly for existing child welfare agencies providing  
23 adoption services to obtain 501(c)(3) status. The Department  
24 shall permit an existing child welfare agency that converts  
25 from its current structure in order to be recognized as a  
26 501(c)(3) organization as required by this Section to either  
27 retain its current license or transfer its current license to a  
28 newly formed entity, if the creation of a new entity is  
29 required in order to comply with this Section, provided that  
30 the child welfare agency demonstrates that it continues to meet  
31 all other licensing requirements and that the principal  
32 officers and directors and programs of the converted child  
33 welfare agency or newly organized child welfare agency are



1 substantially the same as the original. The Department shall  
2 have the sole discretion to grant a one year extension to any  
3 agency unable to obtain 501(c)(3) status within the timeframe  
4 specified in this Section, provided that such agency has filed  
5 an application for 501(c)(3) status with the Internal Revenue  
6 Service within the 2-year timeframe specified in this Section.

7 (225 ILCS 10/8.4 new)

8 Sec. 8.4. Cessation or dissolution of an agency. In the  
9 event that a licensed child welfare agency ceases to exist or  
10 dissolves its corporate entity as an agency, and in so doing  
11 ceases to provide adoption services as defined in this Act, all  
12 records pertaining to adoption services, as that term is  
13 defined in Section 2.24 of this Act, shall be forwarded to  
14 another licensed child welfare agency with notice to the  
15 Department or to the Department within 30 days after such  
16 cessation or dissolution. This Section shall be interpreted in  
17 a manner consistent with rules adopted by the Department  
18 governing child welfare agencies.

19 (225 ILCS 10/9.1a new)

20 Sec. 9.1a. Complaint registry.

21 (a) The Department shall establish a complaint registry to  
22 assist in the monitoring of licensed child welfare agencies  
23 providing adoption services, which shall record and track the  
24 resolution and disposition of substantiated licensing  
25 violations.

26 (b) The Department shall establish and maintain a statewide  
27 toll-free telephone number and post information on its website  
28 where the public can access information contained in the  
29 complaint registry, as it pertains to the past history and  
30 record of any licensed child welfare agency providing adoption  
31 services. This information shall include, but shall not be  
32 limited to, Department substantiated licensing complaints

1 against a child welfare agency providing adoption services and  
2 Department findings of any license violations against a child  
3 welfare agency providing adoption services.

4 (c) Information disclosed in accordance with this Section  
5 shall be subject to the applicable confidentiality  
6 requirements of this Act and the Adoption Act.

7 (225 ILCS 10/9.1b new)

8 Sec. 9.1b. Complaint procedures. All child welfare  
9 agencies providing adoption services shall be required by the  
10 Department to have complaint policies and procedures that shall  
11 be provided in writing to their prospective clients, including  
12 biological parents, adoptive parents, and adoptees that they  
13 have served, at the earliest time possible, and, in the case of  
14 biological and adoptive parents, prior to placement or prior to  
15 entering into any written contract with the clients. These  
16 complaint procedures must be filed with the Department within 6  
17 months after the effective date of this amendatory Act of the  
18 94th General Assembly. Failure to comply with this Section may  
19 result in the suspension of licensure for a period of 90 days.  
20 Subsequent violations may result in licensure revocation. The  
21 Department shall adopt rules that describe the complaint  
22 procedures required by each agency. These rules shall include  
23 without limitation prompt complaint response time, recording  
24 of the complaints, prohibition of agency retaliation against  
25 the person making the complaint, and agency reporting of all  
26 complaints to the Department in a timely manner. Any agency  
27 that maintains a website shall post the prescribed complaint  
28 procedures and its license number, as well as the statewide  
29 toll-free complaint registry telephone number, on its website.

30 (225 ILCS 10/11) (from Ch. 23, par. 2221)

31 Sec. 11. Whenever the Department is advised, or has reason  
32 to believe, that any person, group of persons or corporation is

1 operating a child welfare agency or a child care facility  
2 without a license or permit, it shall make an investigation to  
3 ascertain the facts. If the Department is denied access, it  
4 shall request intervention of local, county or State law  
5 enforcement agencies to seek an appropriate court order or  
6 warrant to examine the premises. A person or entity preventing  
7 the Department from carrying out its duties under this Section  
8 shall be guilty of a violation of this Act and shall be subject  
9 to such penalties related thereto. If it finds that the child  
10 welfare agency or child care facility is being, or has been  
11 operated without a license or permit, it shall report the  
12 results of its investigation to the Attorney General, and to  
13 the appropriate State's Attorney for investigation and, if  
14 appropriate, prosecution.

15 Operating a child welfare agency or child care facility  
16 without a license constitutes a Class A misdemeanor, followed  
17 by a business offense, if the operator continues to operate the  
18 facility and no effort is made to obtain a license. The  
19 business offense fine shall not exceed \$10,000 and each day of  
20 a violation is a separate offense.

21 (Source: P.A. 85-215.)

22 (225 ILCS 10/11.1) (from Ch. 23, par. 2221.1)

23 Sec. 11.1. If the Department has reasonable cause to  
24 believe ~~Upon request of the Director, the Attorney General or~~  
25 ~~the State's Attorney of the county in which the violation~~  
26 ~~occurred, shall initiate injunction proceedings whenever it~~  
27 ~~appears~~ that any person, group of persons, ~~or~~ corporation,  
28 agency, association, organization, institution, center, or  
29 group is engaged or about to engage in any acts or practices  
30 that ~~which~~ constitute or will constitute a violation of this  
31 Act or any rule or regulation prescribed under authority  
32 thereof, the Department shall inform the Attorney General or  
33 the State's Attorney of the appropriate county, who may

1 initiate the appropriate civil or criminal proceedings. Upon a  
2 proper showing, any circuit court may enter a permanent or  
3 preliminary injunction or temporary restraining order without  
4 bond to enforce this Act or any rule or regulation prescribed  
5 thereunder in addition to the penalties and other remedies  
6 provided in this Act.

7 (Source: P.A. 84-548.)

8 (225 ILCS 10/12) (from Ch. 23, par. 2222)

9 Sec. 12. Advertisements.

10 (a) In this Section, "advertise" means communication by any  
11 public medium originating or distributed in this State,  
12 including, but not limited to, newspapers, periodicals,  
13 telephone book listings, outdoor advertising signs, radio, or  
14 television.

15 (b) A child care facility or child welfare agency licensed  
16 or operating under a permit issued by the Department may  
17 publish advertisements for the services that the facility is  
18 specifically licensed or issued a permit under this Act to  
19 provide. No person, group of persons, agency, association,  
20 organization, corporation, institution, center, or group,  
21 unless licensed or operating under a permit issued by the  
22 Department as a child care facility or child welfare agency,  
23 may advertise or cause to be published any advertisement  
24 offering, soliciting, or promising to perform adoption  
25 services as defined in Section 2.24 of this Act.

26 (c) Every advertisement published after the effective date  
27 of this amendatory Act of the 94th General Assembly shall  
28 include the Department-issued license number of the facility or  
29 agency.

30 (d) Any licensed child welfare agency providing adoption  
31 services that, after the effective date of this amendatory Act  
32 of the 94th General Assembly, causes to be published an  
33 advertisement containing reckless or intentional

1 misrepresentations concerning adoption services or  
2 circumstances material to the placement of a child for adoption  
3 is guilty of a Class A misdemeanor and shall be subject to a  
4 fine not to exceed \$10,000 or 9 months imprisonment for each  
5 advertisement.

6 (e) This Section does not apply to a biological parent or a  
7 prospective adoptive parent acting on his or her own behalf.

8 (f) This Section does not apply to a licensed attorney  
9 advertising his or her availability to provide legal services  
10 relating to adoption, as permitted by law.

11 (g) An out-of-state agency that has a written interagency  
12 agreement with one or more Illinois licensed child welfare  
13 agencies, may advertise under this Section provided that (i)  
14 the out-of-state agency must be officially recognized by the  
15 United States Internal Revenue Service as a tax-exempt  
16 organization under 501(c)3 of the Internal Revenue Code of 1986  
17 (or any successor provision of federal tax law), (ii) the  
18 out-of-state agency only provides international adoption  
19 services and is covered by the Intercountry Adoption Act of  
20 2000, (iii) the out-of-state agency displays, in the  
21 advertisement, the license number of at least one of the  
22 Illinois licensed child welfare agencies with which it has a  
23 written agreement, and (iv) the advertisements pertain only to  
24 international adoption services. Subsection (d) of this  
25 Section applies to advertisements placed by any international  
26 out-of-state adoption agencies. ~~A child care facility licensed~~  
27 ~~or operating under a permit issued by the Department may~~  
28 ~~publish advertisements of the services for which it is~~  
29 ~~specifically licensed or issued a permit under this Act. No~~  
30 ~~person, unless licensed or holding a permit as a child care~~  
31 ~~facility, may cause to be published any advertisement~~  
32 ~~soliciting a child or children for care or placement or~~  
33 ~~offering a child or children for care or placement.~~

34 (Source: P.A. 76-63.)

1 (225 ILCS 10/14.6 new)

2 Sec. 14.6. Agency payment of salaries or other  
3 compensation.

4 (a) A licensed child welfare agency may pay salaries or  
5 other compensation to its officers, employees, agents,  
6 contractors, or any other persons acting on its behalf for  
7 providing adoption services, provided that all of the following  
8 limitations apply:

9 (1) The fees, wages, salaries, or other compensation of  
10 any description paid to the officers, employees,  
11 contractors, or any other person acting on behalf of a  
12 child welfare agency providing adoption services shall not  
13 be unreasonably high in relation to the services actually  
14 rendered. Every form of compensation shall be taken into  
15 account in determining whether fees, wages, salaries, or  
16 compensation are unreasonably high, including, but not  
17 limited to, salary, bonuses, deferred and non-cash  
18 compensation, retirement funds, medical and liability  
19 insurance, loans, and other benefits such as the use,  
20 purchase, or lease of vehicles, expense accounts, and food,  
21 housing, and clothing allowances.

22 (2) Any earnings, if applicable, or compensation paid  
23 to the child welfare agency's directors, stockholders, or  
24 members of its governing body shall not be unreasonably  
25 high in relation to the services rendered.

26 (3) Persons providing adoption services for a child  
27 welfare agency may be compensated only for services  
28 actually rendered and only on a fee-for-service, hourly  
29 wage, or salary basis.

30 (b) The Department may adopt rules setting forth the  
31 criteria to determine what constitutes unreasonably high fees  
32 and compensation as those terms are used in this Section. In  
33 determining the reasonableness of fees, wages, salaries, and

1 compensation under paragraphs (1) and (2) of subsection (a) of  
2 this Section, the Department shall take into account the  
3 location, number, and qualifications of staff, workload  
4 requirements, budget, and size of the agency or person, and  
5 available norms for compensation within the adoption  
6 community. Every licensed child welfare agency providing  
7 adoption services shall provide the Department and the Attorney  
8 General with a report, on an annual basis, providing a  
9 description of the fees, wages, salaries and other compensation  
10 described in paragraphs (1), (2), and (3) of this Section.  
11 Nothing in the Adoption Compensation Prohibition Act shall be  
12 construed to prevent a child welfare agency from charging fees  
13 or the payment of salaries and compensation as limited in this  
14 Section and any applicable Section of this Act or the Adoption  
15 Act.

16 (c) This Section does not apply to international adoption  
17 services performed by those child welfare agencies governed by  
18 the 1993 Hague Convention on Protection of Children and  
19 Cooperation in Respect of Intercountry Adoption and the  
20 Intercountry Adoption Act of 2000.

21 (225 ILCS 10/14.7 new)

22 Sec. 14.7. Payments to biological parents.

23 (a) Payment of reasonable living expenses by a child  
24 welfare agency shall not obligate the biological parents to  
25 place the child for adoption. In the event that the biological  
26 parents choose not to place the child for adoption, the child  
27 welfare agency shall have no right to seek reimbursement from  
28 the biological parents, or from any relative of the biological  
29 parents, of moneys paid to, or on behalf of, the biological  
30 parents, except as provided in subsection (b) of this Section.

31 (b) Notwithstanding subsection (a) of this Section, a child  
32 welfare agency may seek reimbursement of reasonable living  
33 expenses from a person who receives such payments only if the

1 person who accepts payment of reasonable living expenses before  
2 the child's birth, as described in subsection (a) of this  
3 Section, knows that the person on whose behalf they are  
4 accepting payment is not pregnant at the time of the receipt of  
5 such payments or the person receives reimbursement for  
6 reasonable living expenses simultaneously from more than one  
7 child welfare agency without the agencies' knowledge.

8 Section 10. The Adoption Compensation Prohibition Act is  
9 amended by changing Sections 1, 2, 3, 4, and 4.1 and by adding  
10 Section 4.9 as follows:

11 (720 ILCS 525/1) (from Ch. 40, par. 1701)

12 Sec. 1. No person and no agency, association, corporation,  
13 institution, society, or other organization, except a child  
14 welfare agency as defined by the Child Care Act of 1969, as now  
15 or hereafter amended, shall request, receive or accept any  
16 compensation or thing of value, directly or indirectly, for  
17 providing adoption services, as defined in Section 2.24 of the  
18 Child Care Act of 1969 ~~placing out of a child.~~

19 (Source: P.A. 86-820.)

20 (720 ILCS 525/2) (from Ch. 40, par. 1702)

21 Sec. 2. No person shall pay or give any compensation or  
22 thing of value, directly or indirectly, for providing adoption  
23 services, as defined in Section 2.24 of the Child Care Act of  
24 1969, including placing out of a child to any person or to any  
25 agency, association, corporation, institution, society, or  
26 other organization except a child welfare agency as defined by  
27 the Child Care Act of 1969, as now or hereafter amended.

28 (Source: P.A. 86-820.)

29 (720 ILCS 525/3) (from Ch. 40, par. 1703)

30 Sec. 3. Definitions. As used in this Act: ~~the term~~



1           "Placing placing out" means to arrange for the free care or  
2 placement of a child in a family other than that of the child's  
3 parent, stepparent, grandparent, brother, sister, uncle or  
4 aunt or legal guardian, for the purpose of adoption or for the  
5 purpose of providing care.

6           "Adoption services" has the meaning given that term in the  
7 Child Care Act of 1969.

8           (Source: Laws 1955, p. 1881.)

9           (720 ILCS 525/4) (from Ch. 40, par. 1704)

10          Sec. 4. The provisions of this Act shall not be construed  
11 to prevent the payment of salaries or other compensation by a  
12 licensed child welfare agency providing adoption services, as  
13 that term is defined by the Child Care Act of 1969, as now or  
14 hereafter amended, to the officers, ~~or~~ employees, agents,  
15 contractors, or any other persons acting on behalf of the child  
16 welfare agency, provided that such salaries and compensation  
17 are consistent with subsection (a) of Section 14.5 of the Child  
18 Care Act of 1969.

19          The provisions of this Act shall not thereof; nor shall it  
20 be construed to prevent the payment by a person with whom a  
21 child has been placed for adoption ~~out~~ of reasonable and actual  
22 medical fees or hospital charges for services rendered in  
23 connection with the birth of such child, if such payment is  
24 made to the physician or hospital who or which rendered the  
25 services or to the biological ~~natural~~ mother of the child or to  
26 prevent the receipt of such payment by such physician,  
27 hospital, or mother.

28          (Source: P.A. 86-820.)

29          (720 ILCS 525/4.1) (from Ch. 40, par. 1704.1)

30          (Text of Section after amendment by P.A. 93-1063)

31          Sec. 4.1. Payment of certain expenses.

32          (a) A person or persons who have filed or intend to file a

1 petition to adopt a child under the Adoption Act shall be  
2 permitted to pay the reasonable living expenses of the  
3 biological parents of the child sought to be adopted, in  
4 addition to those expenses set forth in Section 4, only in  
5 accordance with the provisions of this Section.

6 "Reasonable living expenses" means those expenses related  
7 to activities of daily living and meeting basic needs,  
8 including, but not limited to, ~~the reasonable costs of~~ lodging,  
9 food, and clothing for the biological parents during ~~the period~~  
10 ~~of~~ the biological mother's pregnancy and for no more than 120  
11 days prior to the biological mother's expected date of delivery  
12 and for no more than 60 ~~30~~ days after the birth of the child.

13 The term does not include expenses for lost wages, gifts,  
14 educational expenses, or other similar expenses of the  
15 biological parents.

16 (b) The petitioners may seek leave of the court to pay the  
17 reasonable living expenses of the biological parents. They  
18 shall be permitted to pay the reasonable living expenses of the  
19 biological parents only upon prior order of the circuit court  
20 where the petition for adoption will be filed, or if the  
21 petition for adoption has been filed in the circuit court where  
22 the petition is pending.

23 (c) Payments under this Section shall be permitted only in  
24 those circumstances where there is a demonstrated need for the  
25 payment of such expenses to protect the health of the  
26 biological parents or the health of the child sought to be  
27 adopted.

28 (d) Payment of their reasonable living expenses, as  
29 provided in this Section, shall not obligate the biological  
30 parents to place the child for adoption. In the event the  
31 biological parents choose not to place the child for adoption,  
32 the petitioners shall have no right to seek reimbursement from  
33 the biological parents, or from any relative or associate of  
34 the biological parents, of moneys paid to, or on behalf of, the

1 biological parents pursuant to a court order under this  
2 Section.

3 (d-5) No person or entity shall offer, provide, or co-sign  
4 a loan or any other credit accommodation, directly or  
5 indirectly, with a biological parent or a relative or associate  
6 of a biological parent based on the contingency of a surrender  
7 or placement of a child for adoption.

8 (e) Within 14 days after the completion of all payments for  
9 reasonable living expenses of the biological parents under this  
10 Section, the petitioners shall present a final accounting of  
11 all those expenses to the court. The accounting shall include  
12 vouchers for all moneys expended, copies of all checks written,  
13 and receipts for all cash payments. The accounting shall also  
14 include the verified statements of the petitioners, each  
15 attorney of record, and the biological parents or parents to  
16 whom or on whose behalf the payments were made attesting to the  
17 accuracy of the accounting.

18 (f) If the placement of a child for adoption is made in  
19 accordance with the Interstate Compact on the Placement of  
20 Children, and if the sending state permits the payment of any  
21 expenses of biological parents that are not permitted under  
22 this Act, then the payment of those expenses shall not be a  
23 violation of this Act. In that event, the petitioners shall  
24 file an accounting of all payments of the expenses of the  
25 biological parent or parents with the court in which the  
26 petition for adoption is filed or is to be filed. The  
27 accounting shall include a copy of the statutory provisions of  
28 the sending state that permit payments in addition to those  
29 permitted by this Act and a copy of all orders entered in the  
30 sending state that relate to expenses of the biological parents  
31 paid by the petitioners in the sending state.

32 (g) The petitioners shall be permitted to pay the  
33 reasonable attorney's fees of the biological parents' attorney  
34 in connection with proceedings under this Act or in connection

1 with proceedings for the adoption of the child. The attorney's  
2 fees shall be paid only after a petition seeking leave to pay  
3 those fees is filed with the court in which the adoption  
4 proceeding is filed or to be filed. The court shall review the  
5 petition for leave to pay attorney's fees, and if the court  
6 determines that the fees requested are reasonable, the court  
7 shall permit the petitioners to pay them. If the court  
8 determines that the fees requested are not reasonable, the  
9 court shall determine and set the reasonable attorney's fees of  
10 the biological parents' attorney which may be paid by the  
11 petitioners.

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

15 (i) The provisions of this Section apply to a person who  
16 has filed or intends to file a petition to adopt a child under  
17 the Adoption Act. This Section does not apply to a licensed  
18 child welfare agency, as that term is defined in the Child Care  
19 Act of 1969, whose payments are governed by the Child Care Act  
20 of 1969 and the Department rules adopted thereunder.

21 (Source: P.A. 93-1063, eff. 6-1-05.)

22 (720 ILCS 525/4.9 new)

23 Sec. 4.9. Injunctive relief. Whenever it appears that any  
24 person, agency, association, corporation, institution,  
25 society, or other organization is engaged or about to engage in  
26 any acts or practices that constitute or will constitute a  
27 violation of this Act or any rule adopted under the authority  
28 of this Act, the Department shall inform the Attorney General  
29 and the State's Attorney of the appropriate county. Under such  
30 circumstances, the Attorney General or the State's Attorney may  
31 initiate injunction proceedings. Upon a proper showing, any  
32 circuit court may enter a permanent or preliminary injunction  
33 or temporary restraining order without bond to enforce this Act

1 or any rule adopted under this Act in addition to any other  
2 penalties and other remedies provided in this Act.

3 Section 15. The Adoption Act is amended by changing  
4 Sections 4.1 and 21 as follows:

5 (750 ILCS 50/4.1) (from Ch. 40, par. 1506)

6 Sec. 4.1. Except for children placed with relatives by the  
7 Department of Children and Family Services pursuant to  
8 subsection (b) of Section 7 of the Children and Family Services  
9 Act, placements under this Act shall comply with the Child Care  
10 Act of 1969 and the Interstate Compact on the Placement of  
11 Children. Placements of children born outside the United States  
12 or a territory thereof shall comply with rules promulgated by  
13 the United States Department of Immigration and  
14 Naturalization.

15 Rules promulgated by the Department of Children and Family  
16 Services shall include but not be limited to the following:

17 (a) Any agency providing adoption services as defined in  
18 Section 2.24 of the Child Care Act of 1969 ~~which places such~~  
19 ~~children for adoption~~ in this State:

20 (i) Shall be licensed in this State as a child welfare  
21 agency as defined in Section 2.08 of the Child Care Act of  
22 1969; or

23 (ii) Shall be licensed as a child placement agency in a  
24 state which is a party to the Interstate Compact on the  
25 Placement of Children; or

26 (iii) Shall be licensed as a child placement agency in  
27 a country other than the United States or, if located in  
28 such a country but not so licensed, shall provide  
29 information such as a license or court document which  
30 authorizes that agency to place children for adoption and  
31 to establish that such agency has legal authority to place  
32 children for adoption; or

1 (iv) Shall be a child placement agency which is so  
2 licensed in a non-compact state, if such agency first files  
3 with the Department of Children and Family Services a bond  
4 with surety in the amount of \$5,000 for each such child to  
5 ensure that such child shall not become a public charge  
6 upon this State. Such bond shall remain in effect until a  
7 judgment for adoption is entered with respect to such child  
8 pursuant to this Act. The Department of Children and Family  
9 Services may accept, in lieu of such bond, a written  
10 agreement with such agency which provides that such agency  
11 shall be liable for all costs associated with the placement  
12 of such child in the event a judgment ~~judgement~~ of adoption  
13 is not entered, upon such terms and conditions as the  
14 Department deems appropriate.

15 The rules shall also provide that any agency that places  
16 children for adoption in this State may not, in any policy or  
17 practice relating to the placement of children for adoption,  
18 discriminate against any child or prospective adoptive parent  
19 on the basis of race.

20 The rules shall further provide that no placement of a  
21 newborn shall be approved unless any required surrender or  
22 consent, excluding a surrender or consent in the case of an  
23 unborn child pursuant to subsection C of Section 9 of this Act  
24 or the equivalent statute of a sending state where Illinois is  
25 the receiving state, is neither executed nor acknowledged prior  
26 to 72 hours after the birth of the child and that any  
27 interstate travel or accommodations provided by the receiving  
28 agency or party in the receiving state to a biological parent  
29 or parents for purposes of signing a surrender or consent (i)  
30 is provided no less than 72 hours after the birth of the child  
31 and (ii) includes return travel by the same mode of  
32 transportation.

33 (b) As an alternative to requiring the bond provided for in  
34 paragraph (a)(iv) of this Section, the Department of Children

1 and Family Services may require the filing of such a bond by  
2 the individual or individuals seeking to adopt such a child  
3 through placement of such child by a child placement agency  
4 located in a state which is not a party to the Interstate  
5 Compact on the Placement of Children.

6 (c) In the case of any foreign-born child brought to the  
7 United States for adoption in this State, the following  
8 preadoption requirements shall be met:

9 (1) Documentation that the child is legally free for  
10 adoption prior to entry into the United States shall be  
11 submitted.

12 (2) A medical report on the child, by authorized  
13 medical personnel in the country of the child's origin,  
14 shall be provided when such personnel are available.

15 (3) Verification that the adoptive family has been  
16 licensed as a foster family home pursuant to the Child Care  
17 Act of 1969, as now or hereafter amended, shall be  
18 provided.

19 (4) A valid home study conducted by a licensed child  
20 welfare agency that complies with guidelines established  
21 by the United States Immigration and Naturalization  
22 Service at 8 CFR 204.4(d)(2)(i), as now or hereafter  
23 amended, shall be submitted. A home study is considered  
24 valid if it contains:

25 (i) A factual evaluation of the financial,  
26 physical, mental and moral capabilities of the  
27 prospective parent or parents to rear and educate the  
28 child properly.

29 (ii) A detailed description of the living  
30 accommodations where the prospective parent or parents  
31 currently reside.

32 (iii) A detailed description of the living  
33 accommodations in the United States where the child  
34 will reside, if known.

1 (iv) A statement or attachment recommending the  
2 proposed adoption signed by an official of the child  
3 welfare agency which has conducted the home study.

4 (5) The placing agency located in a non-compact state  
5 or a family desiring to adopt through an authorized  
6 placement party in a non-compact state or a foreign country  
7 shall file with the Department of Children and Family  
8 Services a bond with surety in the amount of \$5,000 as  
9 protection that a foreign-born child accepted for care or  
10 supervision not become a public charge upon the State of  
11 Illinois.

12 (6) In lieu of the \$5,000 bond, the placement agency  
13 may sign a binding agreement with the Department of  
14 Children and Family Services to assume full liability for  
15 all placements should, for any reason, the adoption be  
16 disrupted or not be completed, including financial and  
17 planning responsibility until the child is either returned  
18 to the country of its origin or placed with a new adoptive  
19 family in the United States and that adoption is finalized.

20 (7) Compliance with the requirements of the Interstate  
21 Compact on the Placement of Children, when applicable,  
22 shall be demonstrated.

23 (8) When a child is adopted in a foreign country and a  
24 final, complete and valid Order of Adoption is issued in  
25 that country, as determined by both the United States  
26 Department of State and the United States Department of  
27 Justice, this State shall not impose any additional  
28 preadoption requirements. The adoptive family, however,  
29 must comply with applicable requirements of the United  
30 States Department of Immigration and Naturalization as  
31 provided in 8 CFR 204.4 (d)(2)(ii), as now or hereafter  
32 amended.

33 (d) The Department of Children and Family Services shall  
34 maintain the office of Intercountry Adoption Coordinator,



1 shall maintain and protect the rights of families and children  
2 participating in adoption of foreign born children, and shall  
3 develop ongoing programs of support and services to such  
4 families and children. The Intercountry Adoption Coordinator  
5 shall determine that all preadoption requirements have been met  
6 and report such information to the Department of Immigration  
7 and Naturalization.

8 (Source: P.A. 89-21, eff. 7-1-95; 89-422; 89-626, eff. 8-9-96.)

9 (750 ILCS 50/21) (from Ch. 40, par. 1526)

10 Sec. 21. Compensation for placing of children prohibited.

11 No person, agency, association, corporation, institution,  
12 society or other organization, except a child welfare agency as  
13 defined by the "Child Care Act", approved July 10, 1957, as now  
14 or hereafter amended, shall receive or accept, or pay or give  
15 any compensation or thing of value, directly or indirectly, for  
16 providing adoption services, as that term is defined in the  
17 Child Care Act of 1969, including placing out of a child as is  
18 more specifically provided in "An Act to prevent the payment or  
19 receipt of compensation for placing out children for adoption  
20 or for the purpose of providing care", approved July 14, 1955,  
21 as now or hereafter amended.

22 (Source: Laws, 1959, p. 1269.)

23 Section 95. No acceleration or delay. Where this Act makes  
24 changes in a statute that is represented in this Act by text  
25 that is not yet or no longer in effect (for example, a Section  
26 represented by multiple versions), the use of that text does  
27 not accelerate or delay the taking effect of (i) the changes  
28 made by this Act or (ii) provisions derived from any other  
29 Public Act.

30 Section 99. Effective date. This Act takes effect upon  
31 becoming law."