



Sen. John J. Cullerton

Filed: 5/3/2005

09400HB3628sam002

LRB094 10953 RAS 45786 a

1 AMENDMENT TO HOUSE BILL 3628

2 AMENDMENT NO. _____. Amend House Bill 3628 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Child Care Act of 1969 is amended by
5 changing Sections 2, 2.05, 2.08, 4, 7, 8, 11, 11.1, and 12 and
6 by adding Sections 2.24, 2.25, 2.26, 2.27, 7.4, 7.5, 7.6, 7.7,
7 7.8, 7.9, 8.3, 8.4, 9.1a, 9.1b, 14.6, and 14.7 as follows:

8 (225 ILCS 10/2) (from Ch. 23, par. 2212)

9 Sec. 2. Terms used in this Act, unless the context
10 otherwise requires, have the meanings ascribed to them in
11 Sections 2.01 through 2.27 ~~2.21~~.

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

13 (225 ILCS 10/2.05) (from Ch. 23, par. 2212.05)

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

1 family home under Section 4 of this Act.

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

3 (225 ILCS 10/2.08) (from Ch. 23, par. 2212.08)

4 Sec. 2.08.

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

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

22 (225 ILCS 10/2.24 new)

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

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

16 (225 ILCS 10/2.25 new)

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

21 (225 ILCS 10/2.26 new)

22 Sec. 2.26. "Eligible agency" means a licensed child welfare
23 agency that (i) is currently fully accredited by the Council on
24 Accreditation for Children and Family Services (COA) for
25 adoption services and (ii) has had no Department substantiated
26 licensing violations or COA accrediting violations that affect
27 the health, safety, morals, or welfare of children served by
28 that agency for the 4 years immediately preceding a
29 determination of eligibility.

30 (225 ILCS 10/2.27 new)

31 Sec. 2.27. "Deemed compliant" means that an eligible agency

1 is presumed to be in compliance with requirements, provided
2 that the Department has determined that current COA standards
3 are at least substantially equivalent to those requirements.
4 This presumption of compliance may be rebutted by Department
5 substantiated evidence to the contrary. The Department may
6 require periodic certification of COA accreditation from
7 eligible agencies.

8 (225 ILCS 10/4) (from Ch. 23, par. 2214)

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

10 (a) Any person, group of persons or corporation who or
11 which receives children or arranges for care or placement of
12 one or more children unrelated to the operator must apply for a
13 license to operate one of the types of facilities defined in
14 Sections 2.05 through 2.19 and in Section 2.22 of this Act. Any
15 relative who receives a child or children for placement by the
16 Department on a full-time basis may apply for a license to
17 operate a foster family home as defined in Section 2.17 of this
18 Act.

19 (a-5) Any agency, person, group of persons, association,
20 organization, corporation, institution, center, or group
21 providing adoption services must be licensed by the Department
22 as a child welfare agency as defined in Section 2.08 of this
23 Act. "Providing adoption services" as used in this Act,
24 includes facilitating or engaging in adoption services.

25 (b) Application for a license to operate a child care
26 facility must be made to the Department in the manner and on
27 forms prescribed by it. An application to operate a foster
28 family home shall include, at a minimum: a completed written
29 form; written authorization by the applicant and all adult
30 members of the applicant's household to conduct a criminal
31 background investigation; medical evidence in the form of a
32 medical report, on forms prescribed by the Department, that the
33 applicant and all members of the household are free from

1 communicable diseases or physical and mental conditions that
2 affect their ability to provide care for the child or children;
3 the names and addresses of at least 3 persons not related to
4 the applicant who can attest to the applicant's moral
5 character; and fingerprints submitted by the applicant and all
6 adult members of the applicant's household.

7 (c) The Department shall notify the public when a child
8 care institution, maternity center, or group home licensed by
9 the Department undergoes a change in (i) the range of care or
10 services offered at the facility, (ii) the age or type of
11 children served, or (iii) the area within the facility used by
12 children. The Department shall notify the public of the change
13 in a newspaper of general circulation in the county or
14 municipality in which the applicant's facility is or is
15 proposed to be located.

16 (d) If, upon examination of the facility and investigation
17 of persons responsible for care of children, the Department is
18 satisfied that the facility and responsible persons reasonably
19 meet standards prescribed for the type of facility for which
20 application is made, it shall issue a license in proper form,
21 designating on that license the type of child care facility
22 and, except for a child welfare agency, the number of children
23 to be served at any one time.

24 (e) The Department shall not issue or renew the license of
25 any child welfare agency providing adoption services, unless
26 the agency (i) is officially recognized by the United States
27 Internal Revenue Service as a tax-exempt organization
28 described in Section 501(c)(3) of the Internal Revenue Code of
29 1986 (or any successor provision of federal tax law) and (ii)
30 is in compliance with all of the standards necessary to
31 maintain its status as an organization described in Section
32 501(c)(3) of the Internal Revenue Code of 1986 (or any
33 successor provision of federal tax law). The Department shall
34 grant a grace period of 24 months from the effective date of

1 this amendatory Act of the 94th General Assembly for existing
2 child welfare agencies providing adoption services to obtain
3 501(c)(3) status. The Department shall permit an existing child
4 welfare agency that converts from its current structure in
5 order to be recognized as a 501(c)(3) organization as required
6 by this Section to either retain its current license or
7 transfer its current license to a newly formed entity, if the
8 creation of a new entity is required in order to comply with
9 this Section, provided that the child welfare agency
10 demonstrates that it continues to meet all other licensing
11 requirements and that the principal officers and directors and
12 programs of the converted child welfare agency or newly
13 organized child welfare agency are substantially the same as
14 the original. The Department shall have the sole discretion to
15 grant a one year extension to any agency unable to obtain
16 501(c)(3) status within the timeframe specified in this
17 subsection (e), provided that such agency has filed an
18 application for 501(c)(3) status with the Internal Revenue
19 Service within the 2-year timeframe specified in this
20 subsection (e).

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

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

24 Sec. 7. (a) The Department must prescribe and publish
25 minimum standards for licensing that apply to the various types
26 of facilities for child care defined in this Act and that are
27 equally applicable to like institutions under the control of
28 the Department and to foster family homes used by and under the
29 direct supervision of the Department. The Department shall seek
30 the advice and assistance of persons representative of the
31 various types of child care facilities in establishing such
32 standards. The standards prescribed and published under this
33 Act take effect as provided in the Illinois Administrative

1 Procedure Act, and are restricted to regulations pertaining to
2 the following matters and to any rules and regulations required
3 or permitted by any other Section of this Act:

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

6 (2) The character, suitability and qualifications of
7 the applicant and other persons directly responsible for
8 the care and welfare of children served. All child day care
9 center licensees and employees who are required to report
10 child abuse or neglect under the Abused and Neglected Child
11 Reporting Act shall be required to attend training on
12 recognizing child abuse and neglect, as prescribed by
13 Department rules;

14 (3) The general financial ability and competence of the
15 applicant to provide necessary care for children and to
16 maintain prescribed standards;

17 (4) The number of individuals or staff required to
18 insure adequate supervision and care of the children
19 received. The standards shall provide that each child care
20 institution, maternity center, day care center, group
21 home, day care home, and group day care home shall have on
22 its premises during its hours of operation at least one
23 staff member certified in first aid, in the Heimlich
24 maneuver and in cardiopulmonary resuscitation by the
25 American Red Cross or other organization approved by rule
26 of the Department. Child welfare agencies shall not be
27 subject to such a staffing requirement. The Department may
28 offer, or arrange for the offering, on a periodic basis in
29 each community in this State in cooperation with the
30 American Red Cross, the American Heart Association or other
31 appropriate organization, voluntary programs to train
32 operators of foster family homes and day care homes in
33 first aid and cardiopulmonary resuscitation;

34 (5) The appropriateness, safety, cleanliness and

1 general adequacy of the premises, including maintenance of
2 adequate fire prevention and health standards conforming
3 to State laws and municipal codes to provide for the
4 physical comfort, care and well-being of children
5 received;

6 (6) Provisions for food, clothing, educational
7 opportunities, program, equipment and individual supplies
8 to assure the healthy physical, mental and spiritual
9 development of children served;

10 (7) Provisions to safeguard the legal rights of
11 children served;

12 (8) Maintenance of records pertaining to the
13 admission, progress, health and discharge of children,
14 including, for day care centers and day care homes, records
15 indicating each child has been immunized as required by
16 State regulations. The Department shall require proof that
17 children enrolled in a facility have been immunized against
18 Haemophilus Influenzae B (HIB);

19 (9) Filing of reports with the Department;

20 (10) Discipline of children;

21 (11) Protection and fostering of the particular
22 religious faith of the children served;

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

25 (13) Provisions prohibiting handguns on day care home
26 premises except in the possession of peace officers or
27 other adults who must possess a handgun as a condition of
28 employment and who reside on the premises of a day care
29 home;

30 (14) Provisions requiring that any firearm permitted
31 on day care home premises, except handguns in the
32 possession of peace officers, shall be kept in a
33 disassembled state, without ammunition, in locked storage,
34 inaccessible to children and that ammunition permitted on

1 day care home premises shall be kept in locked storage
2 separate from that of disassembled firearms, inaccessible
3 to children;

4 (15) Provisions requiring notification of parents or
5 guardians enrolling children at a day care home of the
6 presence in the day care home of any firearms and
7 ammunition and of the arrangements for the separate, locked
8 storage of such firearms and ammunition.

9 (b) If, in a facility for general child care, there are
10 children diagnosed as mentally ill, mentally retarded or
11 physically handicapped, who are determined to be in need of
12 special mental treatment or of nursing care, or both mental
13 treatment and nursing care, the Department shall seek the
14 advice and recommendation of the Department of Human Services,
15 the Department of Public Health, or both Departments regarding
16 the residential treatment and nursing care provided by the
17 institution.

18 (c) The Department shall investigate any person applying to
19 be licensed as a foster parent to determine whether there is
20 any evidence of current drug or alcohol abuse in the
21 prospective foster family. The Department shall not license a
22 person as a foster parent if drug or alcohol abuse has been
23 identified in the foster family or if a reasonable suspicion of
24 such abuse exists, except that the Department may grant a
25 foster parent license to an applicant identified with an
26 alcohol or drug problem if the applicant has successfully
27 participated in an alcohol or drug treatment program, self-help
28 group, or other suitable activities.

29 (d) The Department, in applying standards prescribed and
30 published, as herein provided, shall offer consultation
31 through employed staff or other qualified persons to assist
32 applicants and licensees in meeting and maintaining minimum
33 requirements for a license and to help them otherwise to
34 achieve programs of excellence related to the care of children

1 served. Such consultation shall include providing information
2 concerning education and training in early childhood
3 development to providers of day care home services. The
4 Department may provide or arrange for such education and
5 training for those providers who request such assistance.

6 (e) The Department shall distribute copies of licensing
7 standards to all licensees and applicants for a license. Each
8 licensee or holder of a permit shall distribute copies of the
9 appropriate licensing standards and any other information
10 required by the Department to child care facilities under its
11 supervision. Each licensee or holder of a permit shall maintain
12 appropriate documentation of the distribution of the
13 standards. Such documentation shall be part of the records of
14 the facility and subject to inspection by authorized
15 representatives of the Department.

16 (f) The Department shall prepare summaries of day care
17 licensing standards. Each licensee or holder of a permit for a
18 day care facility shall distribute a copy of the appropriate
19 summary and any other information required by the Department,
20 to the legal guardian of each child cared for in that facility
21 at the time when the child is enrolled or initially placed in
22 the facility. The licensee or holder of a permit for a day care
23 facility shall secure appropriate documentation of the
24 distribution of the summary and brochure. Such documentation
25 shall be a part of the records of the facility and subject to
26 inspection by an authorized representative of the Department.

27 (g) The Department shall distribute to each licensee and
28 holder of a permit copies of the licensing or permit standards
29 applicable to such person's facility. Each licensee or holder
30 of a permit shall make available by posting at all times in a
31 common or otherwise accessible area a complete and current set
32 of licensing standards in order that all employees of the
33 facility may have unrestricted access to such standards. All
34 employees of the facility shall have reviewed the standards and

1 any subsequent changes. Each licensee or holder of a permit
2 shall maintain appropriate documentation of the current review
3 of licensing standards by all employees. Such records shall be
4 part of the records of the facility and subject to inspection
5 by authorized representatives of the Department.

6 (h) Any standards involving physical examinations,
7 immunization, or medical treatment shall include appropriate
8 exemptions for children whose parents object thereto on the
9 grounds that they conflict with the tenets and practices of a
10 recognized church or religious organization, of which the
11 parent is an adherent or member, and for children who should
12 not be subjected to immunization for clinical reasons.

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

15 (225 ILCS 10/7.4 new)

16 Sec. 7.4. Disclosures.

17 (a) Every child welfare agency providing adoption services
18 and licensed by the Department shall provide to all prospective
19 clients and to the public written disclosures with respect to
20 its adoption services, policies, and practices, including
21 general eligibility criteria, fees, and the mutual rights and
22 responsibilities of clients, including biological parents and
23 adoptive parents. The written disclosure shall be posted on any
24 website maintained by the child welfare agency that relates to
25 adoption services. The Department shall adopt rules relating to
26 the contents of the written disclosures. Eligible agencies may
27 be deemed compliant with this subsection (a).

28 (b) Every licensed child welfare agency providing adoption
29 services shall provide to all applicants, prior to application,
30 a written schedule of estimated fees, expenses, and refund
31 policies. Every child welfare agency providing adoption
32 services shall have a written policy that shall be part of its
33 standard adoption contract and state that it will not charge

1 additional fees and expenses beyond those disclosed in the
2 adoption contract unless additional fees are reasonably
3 required by the circumstances and are disclosed to the adoptive
4 parents or parent before they are incurred. The Department
5 shall adopt rules relating to the contents of the written
6 schedule and policy. Eligible agencies may be deemed compliant
7 with this subsection (b).

8 (c) Every licensed child welfare agency providing adoption
9 services must make full and fair disclosure to its clients,
10 including biological parents and adoptive parents, of all
11 circumstances material to the placement of a child for
12 adoption. The Department shall adopt rules necessary for the
13 implementation and regulation of the requirements of this
14 subsection (c).

15 (d) Every licensed child welfare agency providing adoption
16 services shall meet minimum standards set forth by the
17 Department concerning the taking or acknowledging of a consent
18 prior to taking or acknowledging a consent from a prospective
19 biological parent. The Department shall adopt rules concerning
20 the minimum standards required by agencies under this Section.

21 (225 ILCS 10/7.5 new)

22 Sec. 7.5. Adoptive parent training program. Every licensed
23 child welfare agency providing adoption services shall provide
24 prospective adoptive parents with a training program that
25 includes counseling and guidance for the purpose of promoting a
26 successful adoption in conjunction with placing a child for
27 adoption with the prospective adoptive parents and which must
28 be completed to the satisfaction of the licensed child welfare
29 agency prior to the finalization of the adoption. The training
30 may be provided by an agent or independent contractor of the
31 child welfare agency or by a Department-approved training
32 individual or entity. The Department shall adopt rules
33 concerning minimum hours, content, and agency documentation of

1 the training and rules concerning the approval of individuals
2 or entities conducting training under this Section. Eligible
3 agencies may be deemed compliant with this Section.

4 (225 ILCS 10/7.6 new)

5 Sec. 7.6. Annual report. Every licensed child welfare
6 agency providing adoption services shall file an annual report
7 with the Department and with the Attorney General on forms and
8 on a date prescribed by the Department. The annual reports for
9 the preceding 2 years must be made available, upon request, to
10 the public by the Department and every licensed agency and must
11 be included on the website of the Department. Each licensed
12 agency that maintains a website shall provide the reports on
13 its website. The annual report shall include all of the
14 following matters and all other matters required by the
15 Department:

16 (1) a balance sheet and a statement of income and
17 expenses for the year, certified by an independent public
18 accountant; for purposes of this item (1), the audit report
19 filed by an agency with the Department may be included in
20 the annual report and, if so, shall be sufficient to comply
21 with the requirement of this item (1);

22 (2) non-identifying information concerning the
23 placements made by the agency during the year, consisting
24 of the number of adoptive families in the process of
25 obtaining a foster family license, the number of adoptive
26 families that are licensed and awaiting placement, the
27 number of biological parents that the agency is actively
28 working with, the number of placements, and the number of
29 adoptions initiated during the year and the status of each
30 matter at the end of the year;

31 (3) any instance during the year in which the agency
32 lost the right to provide adoption services in any State or
33 country, had its license suspended for cause, or was the

1 subject of other sanctions by any court, governmental
2 agency, or governmental regulatory body relating to the
3 provision of adoption services;

4 (4) any actions related to licensure that were
5 initiated against the agency during the year by a licensing
6 or accrediting body;

7 (5) any pending investigations by federal or State
8 authorities;

9 (6) any criminal charges, child abuse charges,
10 malpractice complaints, or lawsuits against the agency or
11 any of its employees, officers, or directors related to the
12 provision of adoption services and the basis or disposition
13 of the actions;

14 (7) any instance in the year where the agency was found
15 guilty of, or pled guilty to, any criminal or civil or
16 administrative violation under federal, State, or foreign
17 law that relates to the provision of adoption services;

18 (8) any instance in the year where any employee,
19 officer, or director of the agency was found guilty of any
20 crime or was determined to have violated a civil law or
21 administrative rule under federal, State, or foreign law
22 relating to the provision of adoption services; and

23 (9) any civil or administrative proceeding instituted
24 by the agency during the year and relating to adoption
25 services, excluding uncontested adoption proceedings and
26 proceedings filed pursuant to Section 12a of the Adoption
27 Act.

28 Failure to disclose information required under this
29 Section may result in the suspension of the agency's license
30 for a period of 90 days. Subsequent violations may result in
31 revocation of the license.

32 Information disclosed in accordance with this Section
33 shall be subject to the applicable confidentiality
34 requirements of this Act and the Adoption Act.

1 (225 ILCS 10/7.7 new)

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

9 (225 ILCS 10/7.8 new)

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

20 (225 ILCS 10/7.9 new)

21 Sec. 7.9. Excessive fees in adoption services prohibited.
22 Adoption services fees must be based on the costs associated
23 with service delivery, and clients may be charged fees only for
24 services provided. The Department shall define "excessive
25 fees" by rule and shall adopt any rules necessary to implement
26 this Section. Eligible agencies may be deemed compliant with
27 this Section.

28 (225 ILCS 10/8) (from Ch. 23, par. 2218)

29 Sec. 8. The Department may revoke or refuse to renew the
30 license of any child care facility or child welfare agency or

1 refuse to issue full license to the holder of a permit should
2 the licensee or holder of a permit:

3 (1) fail to maintain standards prescribed and published by
4 the Department;

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

6 (3) furnish or make any misleading or any false statement
7 or report to the Department;

8 (4) refuse to submit to the Department any reports or
9 refuse to make available to the Department any records required
10 by the Department in making investigation of the facility for
11 licensing purposes;

12 (5) fail or refuse to submit to an investigation by the
13 Department;

14 (6) fail or refuse to admit authorized representatives of
15 the Department at any reasonable time for the purpose of
16 investigation;

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

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

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

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

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

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

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

2 (14) be identified in an investigation by the Department as
3 an addict or alcoholic, as defined in the Alcoholism and Other
4 Drug Abuse and Dependency Act, or be a person whom the
5 Department knows has abused alcohol or drugs, and has not
6 successfully participated in treatment, self-help groups or
7 other suitable activities, and the Department determines that
8 because of such abuse the licensee, holder of the permit, or
9 any other person directly responsible for the care and welfare
10 of the children served, does not comply with standards relating
11 to character, suitability or other qualifications established
12 under Section 7 of this Act.

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

14 (225 ILCS 10/8.3 new)

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

1 required in order to comply with this Section, provided that
2 the child welfare agency demonstrates that it continues to meet
3 all other licensing requirements and that the principal
4 officers and directors and programs of the converted child
5 welfare agency or newly organized child welfare agency are
6 substantially the same as the original. The Department shall
7 have the sole discretion to grant a one year extension to any
8 agency unable to obtain 501(c)(3) status within the timeframe
9 specified in this Section, provided that such agency has filed
10 an application for 501(c)(3) status with the Internal Revenue
11 Service within the 2-year timeframe specified in this Section.

12 (225 ILCS 10/8.4 new)

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

24 (225 ILCS 10/9.1a new)

25 Sec. 9.1a. Complaint registry.

26 (a) The Department shall establish a complaint registry to
27 assist in the monitoring of licensed child welfare agencies
28 providing adoption services, which shall record and track the
29 resolution and disposition of substantiated licensing
30 violations.

31 (b) The Department shall establish and maintain a statewide
32 toll-free telephone number and post information on its website

1 where the public can access information contained in the
2 complaint registry, as it pertains to the past history and
3 record of any licensed child welfare agency providing adoption
4 services. This information shall include, but shall not be
5 limited to, Department substantiated licensing violations
6 against a child welfare agency providing adoption services and
7 Department findings of any license violations against a child
8 welfare agency providing adoption services.

9 (c) Information disclosed in accordance with this Section
10 shall be subject to the applicable confidentiality
11 requirements of this Act and the Adoption Act.

12 (225 ILCS 10/9.1b new)

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

1 toll-free complaint registry telephone number, on its website.

2 (225 ILCS 10/11) (from Ch. 23, par. 2221)

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

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

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

26 (225 ILCS 10/11.1) (from Ch. 23, par. 2221.1)

27 Sec. 11.1. Referrals to law enforcement.

28 (a) If the Department has reasonable cause to believe ~~Upon~~
29 ~~request of the Director, the Attorney General or the State's~~
30 ~~Attorney of the county in which the violation occurred, shall~~
31 ~~initiate injunction proceedings whenever it appears~~ that any
32 person, group of persons, ~~or~~ corporation, agency, association,

1 organization, institution, center, or group is engaged or about
2 to engage in any acts or practices that ~~which~~ constitute or
3 will constitute a violation of this Act, the Department shall
4 inform the Attorney General or the State's Attorney of the
5 appropriate county, who may initiate the appropriate civil or
6 criminal proceedings ~~or any rule or regulation prescribed under~~
7 ~~authority thereof~~. Upon a proper showing, any circuit court may
8 enter a permanent or preliminary injunction or temporary
9 restraining order without bond to enforce this Act or any rule
10 or regulation prescribed thereunder in addition to the
11 penalties and other remedies provided in this Act.

12 (b) If the Department has reasonable cause to believe that
13 any person, group of persons, corporation, agency,
14 association, organization, institution, center, or group is
15 engaged or is about to engage in any act or practice that
16 constitutes or may constitute a violation of any rule adopted
17 under the authority of this Act, the Department may inform the
18 Attorney General or the State's Attorney of the appropriate
19 county, who may initiate the appropriate civil or criminal
20 proceedings. Upon a proper showing, any circuit court may enter
21 a permanent or preliminary injunction or temporary restraining
22 order without bond to enforce this Act or any rule prescribed
23 under this Act, in addition to the penalties and other remedies
24 provided in this Act.

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

26 (225 ILCS 10/12) (from Ch. 23, par. 2222)

27 Sec. 12. Advertisements.

28 (a) In this Section, "advertise" means communication by any
29 public medium originating or distributed in this State,
30 including, but not limited to, newspapers, periodicals,
31 telephone book listings, outdoor advertising signs, radio, or
32 television.

33 (b) A child care facility or child welfare agency licensed

1 or operating under a permit issued by the Department may
2 publish advertisements for the services that the facility is
3 specifically licensed or issued a permit under this Act to
4 provide. A person, group of persons, agency, association,
5 organization, corporation, institution, center, or group who
6 advertises or causes to be published any advertisement
7 offering, soliciting, or promising to perform adoption
8 services as defined in Section 2.24 of this Act is guilty of a
9 Class A misdemeanor and shall be subject to a fine not to
10 exceed \$10,000 or 9 months imprisonment for each advertisement,
11 unless that person, group of persons, agency, association,
12 organization, corporation, institution, center, or group is
13 (i) licensed or operating under a permit issued by the
14 Department as a child care facility or child welfare agency,
15 (ii) a biological parent or a prospective adoptive parent
16 acting on his or her own behalf, or (iii) a licensed attorney
17 advertising his or her availability to provide legal services
18 relating to adoption, as permitted by law.

19 (c) Every advertisement published after the effective date
20 of this amendatory Act of the 94th General Assembly shall
21 include the Department-issued license number of the facility or
22 agency.

23 (d) Any licensed child welfare agency providing adoption
24 services that, after the effective date of this amendatory Act
25 of the 94th General Assembly, causes to be published an
26 advertisement containing reckless or intentional
27 misrepresentations concerning adoption services or
28 circumstances material to the placement of a child for adoption
29 is guilty of a Class A misdemeanor and is subject to a fine not
30 to exceed \$10,000 or 9 months imprisonment for each
31 advertisement.

32 (e) An out-of-state agency that is not licensed in Illinois
33 and that has a written interagency agreement with one or more
34 Illinois licensed child welfare agencies may advertise under

1 this Section, provided that (i) the out-of-state agency must be
2 officially recognized by the United States Internal Revenue
3 Service as a tax-exempt organization under 501(c)(3) of the
4 Internal Revenue Code of 1986 (or any successor provision of
5 federal tax law), (ii) the out-of-state agency provides only
6 international adoption services and is covered by the
7 Intercountry Adoption Act of 2000, (iii) the out-of-state
8 agency displays, in the advertisement, the license number of at
9 least one of the Illinois licensed child welfare agencies with
10 which it has a written agreement, and (iv) the advertisements
11 pertain only to international adoption services. Subsection
12 (d) of this Section shall apply to any out-of-state agencies
13 described in this subsection (e).

14 (f) An advertiser, publisher, or broadcaster, including,
15 but not limited to, newspapers, periodicals, telephone book
16 publishers, outdoor advertising signs, radio stations, or
17 television stations, who knowingly or recklessly advertises or
18 publishes any advertisement offering, soliciting, or promising
19 to perform adoption services, as defined in Section 2.24 of
20 this Act, on behalf of a person, group of persons, agency,
21 association, organization, corporation, institution, center,
22 or group, not authorized to advertise under subsection (b) or
23 subsection (e) of this Section, is guilty of a Class A
24 misdemeanor and is subject to a fine not to exceed \$10,000 or 9
25 months imprisonment for each advertisement.

26 (g) The Department shall maintain a website listing child
27 welfare agencies licensed by the Department that provide
28 adoption services and other general information for biological
29 parents and adoptive parents. The website shall include, but
30 not be limited to, agency addresses, phone numbers, e-mail
31 addresses, website addresses, annual reports as referenced in
32 Section 7.6 of this Act, agency license numbers, the Birth
33 Parent Bill of Rights, the Adoptive Parents Bill of Rights, and
34 the Department's complaint registry established under Section

1 9.1a of this Act. The Department shall adopt any rules
2 necessary to implement this Section. ~~A child care facility~~
3 ~~licensed or operating under a permit issued by the Department~~
4 ~~may publish advertisements of the services for which it is~~
5 ~~specifically licensed or issued a permit under this Act. No~~
6 ~~person, unless licensed or holding a permit as a child care~~
7 ~~facility, may cause to be published any advertisement~~
8 ~~soliciting a child or children for care or placement or~~
9 ~~offering a child or children for care or placement.~~

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

11 (225 ILCS 10/14.6 new)

12 Sec. 14.6. Agency payment of salaries or other
13 compensation.

14 (a) A licensed child welfare agency may pay salaries or
15 other compensation to its officers, employees, agents,
16 contractors, or any other persons acting on its behalf for
17 providing adoption services, provided that all of the following
18 limitations apply:

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

32 (2) Any earnings, if applicable, or compensation paid
33 to the child welfare agency's directors, stockholders, or

1 members of its governing body shall not be unreasonably
2 high in relation to the services rendered.

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

7 (b) The Department may adopt rules setting forth the
8 criteria to determine what constitutes unreasonably high fees
9 and compensation as those terms are used in this Section. In
10 determining the reasonableness of fees, wages, salaries, and
11 compensation under paragraphs (1) and (2) of subsection (a) of
12 this Section, the Department shall take into account the
13 location, number, and qualifications of staff, workload
14 requirements, budget, and size of the agency or person and
15 available norms for compensation within the adoption
16 community. Every licensed child welfare agency providing
17 adoption services shall provide the Department and the Attorney
18 General with a report, on an annual basis, providing a
19 description of the fees, wages, salaries and other compensation
20 described in paragraphs (1), (2), and (3) of this Section.
21 Nothing in the Adoption Compensation Prohibition Act shall be
22 construed to prevent a child welfare agency from charging fees
23 or the payment of salaries and compensation as limited in this
24 Section and any applicable Section of this Act or the Adoption
25 Act.

26 (c) This Section does not apply to international adoption
27 services performed by those child welfare agencies governed by
28 the 1993 Hague Convention on Protection of Children and
29 Cooperation in Respect of Intercountry Adoption and the
30 Intercountry Adoption Act of 2000.

31 (d) Eligible agencies may be deemed compliant with this
32 Section.

1 Sec. 14.7. Payments to biological parents.

2 (a) Payment of reasonable living expenses by a child
3 welfare agency shall not obligate the biological parents to
4 place the child for adoption. In the event that the biological
5 parents choose not to place the child for adoption, the child
6 welfare agency shall have no right to seek reimbursement from
7 the biological parents, or from any relative of the biological
8 parents, of moneys paid to, or on behalf of, the biological
9 parents, except as provided in subsection (b) of this Section.

10 (b) Notwithstanding subsection (a) of this Section, a child
11 welfare agency may seek reimbursement of reasonable living
12 expenses from a person who receives such payments only if the
13 person who accepts payment of reasonable living expenses before
14 the child's birth, as described in subsection (a) of this
15 Section, knows that the person on whose behalf they are
16 accepting payment is not pregnant at the time of the receipt of
17 such payments or the person receives reimbursement for
18 reasonable living expenses simultaneously from more than one
19 child welfare agency without the agencies' knowledge.

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

23 (720 ILCS 525/1) (from Ch. 40, par. 1701)

24 Sec. 1. No person and no agency, association, corporation,
25 institution, society, or other organization, except a child
26 welfare agency as defined by the Child Care Act of 1969, as now
27 or hereafter amended, shall request, receive or accept any
28 compensation or thing of value, directly or indirectly, for
29 providing adoption services, as defined in Section 2.24 of the
30 Child Care Act of 1969 ~~placing out of a child.~~

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

1 (720 ILCS 525/2) (from Ch. 40, par. 1702)

2 Sec. 2. No person shall pay or give any compensation or
3 thing of value, directly or indirectly, for providing adoption
4 services, as defined in Section 2.24 of the Child Care Act of
5 1969, including placing out of a child to any person or to any
6 agency, association, corporation, institution, society, or
7 other organization except a child welfare agency as defined by
8 the Child Care Act of 1969, as now or hereafter amended.

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

10 (720 ILCS 525/3) (from Ch. 40, par. 1703)

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

12 "Placing ~~placing~~ out" means to arrange for the free care or
13 placement of a child in a family other than that of the child's
14 parent, stepparent, grandparent, brother, sister, uncle or
15 aunt or legal guardian, for the purpose of adoption or for the
16 purpose of providing care.

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

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

20 (720 ILCS 525/4) (from Ch. 40, par. 1704)

21 Sec. 4. The provisions of this Act shall not be construed
22 to prevent the payment of salaries or other compensation by a
23 licensed child welfare agency providing adoption services, as
24 that term is defined by the Child Care Act of 1969, as now or
25 hereafter amended, to the officers, ~~or~~ employees, agents,
26 contractors, or any other persons acting on behalf of the child
27 welfare agency, provided that such salaries and compensation
28 are consistent with subsection (a) of Section 14.5 of the Child
29 Care Act of 1969.

30 The provisions of this Act shall not ~~thereof; nor shall it~~
31 be construed to prevent the payment by a person with whom a
32 child has been placed for adoption ~~out~~ of reasonable and actual

1 medical fees or hospital charges for services rendered in
2 connection with the birth of such child, if such payment is
3 made to the physician or hospital who or which rendered the
4 services or to the biological ~~natural~~ mother of the child or to
5 prevent the receipt of such payment by such physician,
6 hospital, or mother.

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

8 (720 ILCS 525/4.1) (from Ch. 40, par. 1704.1)

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

10 Sec. 4.1. Payment of certain expenses.

11 (a) A person or persons who have filed or intend to file a
12 petition to adopt a child under the Adoption Act shall be
13 permitted to pay the reasonable living expenses of the
14 biological parents of the child sought to be adopted, in
15 addition to those expenses set forth in Section 4, only in
16 accordance with the provisions of this Section.

17 "Reasonable living expenses" means those expenses related
18 to activities of daily living and meeting basic needs,
19 including, but not limited to, ~~the reasonable costs of~~ lodging,
20 food, and clothing for the biological parents during ~~the period~~
21 ~~of~~ the biological mother's pregnancy and for no more than 120
22 days prior to the biological mother's expected date of delivery
23 and for no more than 60 ~~30~~ days after the birth of the child.

24 The term does not include expenses for lost wages, gifts,
25 educational expenses, or other similar expenses of the
26 biological parents.

27 (b) The petitioners may seek leave of the court to pay the
28 reasonable living expenses of the biological parents. They
29 shall be permitted to pay the reasonable living expenses of the
30 biological parents only upon prior order of the circuit court
31 where the petition for adoption will be filed, or if the
32 petition for adoption has been filed in the circuit court where
33 the petition is pending.

1 (c) Payments under this Section shall be permitted only in
2 those circumstances where there is a demonstrated need for the
3 payment of such expenses to protect the health of the
4 biological parents or the health of the child sought to be
5 adopted.

6 (d) Payment of their reasonable living expenses, as
7 provided in this Section, shall not obligate the biological
8 parents to place the child for adoption. In the event the
9 biological parents choose not to place the child for adoption,
10 the petitioners shall have no right to seek reimbursement from
11 the biological parents, or from any relative or associate of
12 the biological parents, of moneys paid to, or on behalf of, the
13 biological parents pursuant to a court order under this
14 Section.

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

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

30 (f) If the placement of a child for adoption is made in
31 accordance with the Interstate Compact on the Placement of
32 Children, and if the sending state permits the payment of any
33 expenses of biological parents that are not permitted under
34 this Act, then the payment of those expenses shall not be a

1 violation of this Act. In that event, the petitioners shall
2 file an accounting of all payments of the expenses of the
3 biological parent or parents with the court in which the
4 petition for adoption is filed or is to be filed. The
5 accounting shall include a copy of the statutory provisions of
6 the sending state that permit payments in addition to those
7 permitted by this Act and a copy of all orders entered in the
8 sending state that relate to expenses of the biological parents
9 paid by the petitioners in the sending state.

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

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

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

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

1 (720 ILCS 525/4.9 new)

2 Sec. 4.9. Injunctive relief.

3 (a) Whenever it appears that any person, agency,
4 association, corporation, institution, society, or other
5 organization is engaged or about to engage in any acts or
6 practices that constitute or will constitute a violation of
7 this Act, the Department shall inform the Attorney General and
8 the State's Attorney of the appropriate county. Under such
9 circumstances, the Attorney General or the State's Attorney may
10 initiate injunction proceedings. Upon a proper showing, any
11 circuit court may enter a permanent or preliminary injunction
12 or temporary restraining order without bond to enforce this Act
13 or any rule adopted under this Act in addition to any other
14 penalties and other remedies provided in this Act.

15 (b) Whenever it appears that any person, agency,
16 association, corporation, institution, society, or other
17 organization is engaged or is about to engage in any act or
18 practice that constitutes or will constitute a violation of any
19 rule adopted under the authority of this Act, the Department
20 may inform the Attorney General and the State's Attorney of the
21 appropriate county. Under such circumstances, the Attorney
22 General or the State's Attorney may initiate injunction
23 proceedings. Upon a proper showing, any circuit court may enter
24 a permanent or preliminary injunction or a temporary
25 restraining order without bond to enforce this Act or any rule
26 adopted under this Act, in addition to any other penalties and
27 remedies provided in this Act.

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

30 (750 ILCS 50/4.1) (from Ch. 40, par. 1506)

31 Sec. 4.1. Except for children placed with relatives by the
32 Department of Children and Family Services pursuant to

1 subsection (b) of Section 7 of the Children and Family Services
2 Act, placements under this Act shall comply with the Child Care
3 Act of 1969 and the Interstate Compact on the Placement of
4 Children. Placements of children born outside the United States
5 or a territory thereof shall comply with rules promulgated by
6 the United States Department of Immigration and
7 Naturalization.

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

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

13 (i) Shall be licensed in this State as a child welfare
14 agency as defined in Section 2.08 of the Child Care Act of
15 1969; or

16 (ii) Shall be licensed as a child placement agency in a
17 state which is a party to the Interstate Compact on the
18 Placement of Children and shall be approved by the
19 Department to place children into Illinois in accordance
20 with subsection (a-5) of this Section; or

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

28 (iv) Shall be a child placement agency which is so
29 licensed in a non-compact state and shall be approved by
30 the Department to place children into Illinois in
31 accordance with subsection (a-5) of this Section, if such
32 agency first files with the Department of Children and
33 Family Services a bond with surety in the amount of \$5,000
34 for each such child to ensure that such child shall not

1 become a public charge upon this State. Such bond shall
2 remain in effect until a judgment for adoption is entered
3 with respect to such child pursuant to this Act. The
4 Department of Children and Family Services may accept, in
5 lieu of such bond, a written agreement with such agency
6 which provides that such agency shall be liable for all
7 costs associated with the placement of such child in the
8 event a judgment ~~judgement~~ of adoption is not entered, upon
9 such terms and conditions as the Department deems
10 appropriate.

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

16 (a-5) Out-of-state private placing agencies that seek to
17 place children into Illinois for the purpose of foster care or
18 adoption shall provide all of the following to the Department:

19 (i) A copy of the agency's current license or other
20 form of authorization from the approving authority in the
21 agency's state. If no such license or authorization is
22 issued, the agency must provide a reference statement from
23 the approving authority stating the agency is authorized to
24 place children in foster care or adoption or both in its
25 jurisdiction.

26 (ii) A description of the program, including home
27 studies, placements, and supervisions that the child
28 placing agency conducts within its geographical area, and,
29 if applicable, adoptive placements and the finalization of
30 adoptions. The child placing agency must accept continued
31 responsibility for placement planning and replacement if
32 the placement fails.

33 (iii) Notification to the Department of any
34 significant child placing agency changes after approval.

1 (iv) Any other information the Department may require.

2 If the adoption is finalized prior to bringing or sending
3 the child to Illinois, Department approval of the out-of-state
4 child placing agency involved is not required under this
5 Section, nor is compliance with the Interstate Compact on the
6 Placement of Children.

7 (b) As an alternative to requiring the bond provided for in
8 paragraph (a)(iv) of this Section, the Department of Children
9 and Family Services may require the filing of such a bond by
10 the individual or individuals seeking to adopt such a child
11 through placement of such child by a child placement agency
12 located in a state which is not a party to the Interstate
13 Compact on the Placement of Children.

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

17 (1) Documentation that the child is legally free for
18 adoption prior to entry into the United States shall be
19 submitted.

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

23 (3) Verification that the adoptive family has been
24 licensed as a foster family home pursuant to the Child Care
25 Act of 1969, as now or hereafter amended, shall be
26 provided.

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

33 (i) A factual evaluation of the financial,
34 physical, mental and moral capabilities of the

1 prospective parent or parents to rear and educate the
2 child properly.

3 (ii) A detailed description of the living
4 accommodations where the prospective parent or parents
5 currently reside.

6 (iii) A detailed description of the living
7 accommodations in the United States where the child
8 will reside, if known.

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

12 (5) The placing agency located in a non-compact state
13 or a family desiring to adopt through an authorized
14 placement party in a non-compact state or a foreign country
15 shall file with the Department of Children and Family
16 Services a bond with surety in the amount of \$5,000 as
17 protection that a foreign-born child accepted for care or
18 supervision not become a public charge upon the State of
19 Illinois.

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

28 (7) Compliance with the requirements of the Interstate
29 Compact on the Placement of Children, when applicable,
30 shall be demonstrated.

31 (8) When a child is adopted in a foreign country and a
32 final, complete and valid Order of Adoption is issued in
33 that country, as determined by both the United States
34 Department of State and the United States Department of

1 Justice, this State shall not impose any additional
2 preadoption requirements. The adoptive family, however,
3 must comply with applicable requirements of the United
4 States Department of Immigration and Naturalization as
5 provided in 8 CFR 204.4 (d)(2)(ii), as now or hereafter
6 amended.

7 (d) The Department of Children and Family Services shall
8 maintain the office of Intercountry Adoption Coordinator,
9 shall maintain and protect the rights of families and children
10 participating in adoption of foreign born children, and shall
11 develop ongoing programs of support and services to such
12 families and children. The Intercountry Adoption Coordinator
13 shall determine that all preadoption requirements have been met
14 and report such information to the Department of Immigration
15 and Naturalization.

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

17 (750 ILCS 50/21) (from Ch. 40, par. 1526)

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

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

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

31 Section 95. No acceleration or delay. Where this Act makes
32 changes in a statute that is represented in this Act by text

1 that is not yet or no longer in effect (for example, a Section
2 represented by multiple versions), the use of that text does
3 not accelerate or delay the taking effect of (i) the changes
4 made by this Act or (ii) provisions derived from any other
5 Public Act.

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.".