



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB1458

Introduced 2/23/2005, by Sen. Dave Sullivan

SYNOPSIS AS INTRODUCED:

750 ILCS 50/18.05

Amends the Adoption Act. Provides for the establishment of an Adoption/Surrender Records File for adoptions filed according to the listed Section of the Vital Records Act under a Record of Foreign Birth that was not finalized by a court action in the State of Illinois. Provides that an established Adoption/Surrender Records File for an adoption filed in Illinois under a Record of Foreign Birth that was not finalized in a court action in the State of Illinois shall be limited to the following items submitted to the State Registrar of Vital Records under the listed Section of the Vital Records Act, to the extent that they are available: (1) evidence as to the child's birth date and birthplace (including the country of birth and, if available, the city and province of birth) provided by the original birth certificate, or by a certified copy, extract, or translation thereof or by other document essentially equivalent thereto (the records of the U.S. Immigration and Naturalization Service or of the U.S. Department of State to be considered essentially equivalent thereto); (2) a certified copy, extract, or translation of the adoption decree or other document essentially equivalent thereto (the records of the U.S. Immigration and Naturalization Service or of the U.S. Department of State to be considered essentially equivalent thereto); (3) a copy of the IR-3 visa; or (4) the name and address of the adoption agency that handled the adoption. Effective July 1, 2005.

LRB094 10659 LCB 41019 b

1 AN ACT concerning adoption.

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

4 Section 5. The Adoption Act is amended by changing Section
5 18.05 as follows:

6 (750 ILCS 50/18.05)

7 Sec. 18.05. The Illinois Adoption Registry and Medical
8 Information Exchange.

9 (a) General function. Subject to appropriation, the
10 Department of Public Health shall redefine the function of the
11 Illinois Adoption Registry and create the Medical Information
12 Exchange in the manner outlined in subsections (b) and (c) for
13 the purpose of facilitating the voluntary exchange of medical
14 information between mutually consenting birth parents or birth
15 siblings and mutually consenting adoptive parents or legal
16 guardians of adopted or surrendered persons under the age of 21
17 or adopted or surrendered persons 21 years of age or over. The
18 Department shall establish rules for the confidential
19 operation of the Illinois Adoption Registry. Beginning January
20 1, 2000, the Department shall conduct a public information
21 campaign through public service announcements and other forms
22 of media coverage and, for a minimum of 4 years, through
23 notices enclosed with driver's license renewal applications,
24 shall inform adopted and surrendered persons born,
25 surrendered, or adopted in Illinois and their adoptive parents,
26 legal guardians, birth parents and birth siblings of the
27 Illinois Adoption Registry and Medical Information Exchange.
28 The Department shall notify all parties who registered with the
29 Illinois Adoption Registry prior to January 1, 2000 of the
30 provisions of this amendatory Act of 1999. The Illinois
31 Adoption Registry shall also maintain an informational
32 Internet site where interested parties may access information

1 about the Illinois Adoption Registry and Medical Information
2 Exchange and download all necessary application forms. The
3 Illinois Adoption Registry shall maintain statistical records
4 regarding Registry participation and publish and circulate to
5 the public informational material about the function and
6 operation of the Registry.

7 (b) Establishment of the Adoption/Surrender Records File.
8 When a person has voluntarily registered with the Illinois
9 Adoption Registry and completed an Illinois Adoption Registry
10 Application or a Registration Identification Form, the
11 Registry shall establish a new Adoption/Surrender Records
12 File. Such file may concern an adoption that was finalized by a
13 court action in the State of Illinois, an adoption of a person
14 born in Illinois finalized by a court action in a state other
15 than Illinois or in a foreign country, ~~or~~ a surrender taken in
16 the State of Illinois, or an adoption filed according to
17 Section 16.1 of the Vital Records Act under a Record of Foreign
18 Birth that was not finalized by a court action in the State of
19 Illinois. Such file may be established for adoptions or
20 surrenders finalized prior to as well as after the effective
21 date of this amendatory Act of 1999. A file may be created in
22 any manner to preserve documents including but not limited to
23 microfilm, optical imaging, or electronic documents.

24 (c) Contents of the Adoption/Surrender Records File. An
25 established Adoption/Surrender Records File shall be limited
26 to the following items, to the extent that they are available:

27 (1) The General Information Section and Medical
28 Information Exchange Questionnaire of any Illinois
29 Adoption Registry Application or a Registration
30 Identification Form which has been voluntarily completed
31 by the adopted or surrendered person or his or her adoptive
32 parents, legal guardians, birth parents, or birth
33 siblings.

34 (2) Any photographs voluntarily provided by any
35 registrant for the adopted or surrendered person or his or
36 her adoptive parents, legal guardians, birth parents, or

1 birth siblings at the time of registration or any time
2 thereafter. All such photographs shall be submitted in an
3 unsealed envelope no larger than 8 1/2" x 11", and shall
4 not include identifying information pertaining to any
5 person other than the registrant who submitted them. Any
6 such identifying information shall be redacted by the
7 Department or the information shall be returned for removal
8 of identifying information.

9 (3) Any Information Exchange Authorization or Denial
10 of Information Exchange which has been filed by a
11 registrant.

12 (4) For all adoptions finalized after January 1, 2000,
13 copies of the original certificate of live birth and the
14 certificate of adoption.

15 (5) Any updated address submitted by any registered
16 party about himself or herself.

17 (6) Any proof of death which has been submitted by an
18 adopted or surrendered person, adoptive parent, legal
19 guardian, birth parent, or birth sibling.

20 (d) An established Adoption/Surrender Records File for an
21 adoption filed in Illinois under a Record of Foreign Birth that
22 was not finalized in a court action in the State of Illinois
23 shall be limited to the following items submitted to the State
24 Registrar of Vital Records under Section 16.1 of the Vital
25 Records Act, to the extent that they are available:

26 (1) Evidence as to the child's birth date and
27 birthplace (including the country of birth and, if
28 available, the city and province of birth) provided by the
29 original birth certificate, or by a certified copy,
30 extract, or translation thereof or by other document
31 essentially equivalent thereto (the records of the U.S.
32 Immigration and Naturalization Service or of the U.S.
33 Department of State to be considered essentially
34 equivalent thereto).

35 (2) A certified copy, extract, or translation of the
36 adoption decree or other document essentially equivalent

1 thereto (the records of the U.S. Immigration and
2 Naturalization Service or of the U.S. Department of State
3 to be considered essentially equivalent thereto).

4 (3) A copy of the IR-3 visa.

5 (4) The name and address of the adoption agency that
6 handled the adoption.

7 (Source: P.A. 91-417, eff. 1-1-00.)

8 Section 99. Effective date. This Act takes effect July 1,
9 2005.