



Rep. Sara Feigenholtz

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09400SB1469ham001

LRB094 06589 RAS 46486 a

1 AMENDMENT TO SENATE BILL 1469

2 AMENDMENT NO. _____. Amend Senate Bill 1469 by replacing
3 the title with the following:

4 "AN ACT concerning families."; and

5 by replacing everything after the enacting clause with the
6 following:

7 "Section 5. The Adoption Act is amended by changing Section
8 6 as follows:

9 (750 ILCS 50/6) (from Ch. 40, par. 1508)

10 Sec. 6. Investigation.

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

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

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

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

32 B. Investigation; foreign-born child. In the case of a
33 child born outside the United States or a territory thereof, in
34 addition to the investigation required under subsection (A) of

1 this Section, a post-placement investigation shall be
2 conducted in accordance with the requirements of the Child Care
3 Act of 1969, the Interstate Compact on the Placement of
4 Children, and regulations of the foreign placing agency and the
5 supervising agency.

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

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

1 inspection only upon order of the court.

2 D. Related adoption. Such investigation shall not be made
3 when the petition seeks to adopt a related child or an adult
4 unless the court, in its discretion, shall so order. In such an
5 event the court may appoint a person deemed competent by the
6 court.

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