



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0468

Introduced 2/1/2007, by Rep. Dennis M. Reboletti

SYNOPSIS AS INTRODUCED:

720 ILCS 525/4.1

from Ch. 40, par. 1704.1

Amends the Adoption Compensation Prohibition Act. Provides that an expectant mother may not accept compensation or the payment of reasonable medical or hospital expenses or reasonable living expenses from 2 or more persons not residing within the same household who have been promised the surrender or the consent to adoption of the same child for whom the mother expects to give birth. Provides that a violation is a Class 4 felony for a first offense and a Class 3 felony for a subsequent offense.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

1 AN ACT concerning criminal law.

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

4 Section 5. The Adoption Compensation Prohibition Act is
5 amended by changing Section 4.1 as follows:

6 (720 ILCS 525/4.1) (from Ch. 40, par. 1704.1)

7 Sec. 4.1. Payment of certain expenses.

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

14 "Reasonable living expenses" means those expenses related
15 to activities of daily living and meeting basic needs,
16 including, but not limited to, lodging, food, and clothing for
17 the biological parents during the biological mother's
18 pregnancy and for no more than 120 days prior to the biological
19 mother's expected date of delivery and for no more than 60 days
20 after the birth of the child. The term does not include
21 expenses for lost wages, gifts, educational expenses, or other
22 similar expenses of the biological parents.

23 (b) The petitioners may seek leave of the court to pay the

1 reasonable living expenses of the biological parents. They
2 shall be permitted to pay the reasonable living expenses of the
3 biological parents only upon prior order of the circuit court
4 where the petition for adoption will be filed, or if the
5 petition for adoption has been filed in the circuit court where
6 the petition is pending.

7 (c) Payments under this Section shall be permitted only in
8 those circumstances where there is a demonstrated need for the
9 payment of such expenses to protect the health of the
10 biological parents or the health of the child sought to be
11 adopted.

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

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

26 (d-6) An expectant mother may not accept compensation or

1 the payment of reasonable medical or hospital expenses or
2 reasonable living expenses from 2 or more persons not residing
3 within the same household who have been promised the surrender
4 or the consent to adoption of the same child for whom the
5 mother expects to give birth.

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

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

1 permitted by this Act and a copy of all orders entered in the
2 sending state that relate to expenses of the biological parents
3 paid by the petitioners in the sending state.

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

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

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

1 (Source: P.A. 93-1063, eff. 6-1-05; 94-586, eff. 8-15-05.)