



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB0068

Introduced 1/31/2007, by Sen. Mike Jacobs

#### SYNOPSIS AS INTRODUCED:

750 ILCS 50/6	from Ch. 40, par. 1508
750 ILCS 50/18.4a	from Ch. 40, par. 1522.4a
750 ILCS 50/18.4b new	
750 ILCS 50/18.5	from Ch. 40, par. 1522.5
750 ILCS 50/18.8	

Amends the Adoption Act. Provides that individual health information summaries concerning the child and each birth parent shall be filed within 14 days of the petition filing in all adoptions of unrelated minors. Provides that each preadoption investigation shall review the health summaries. Provides that health summaries shall be without any information identifying either birth parent and shall summarize significant medical, dental, and mental health information including diseases, disabilities, alcohol or drug abuse, hereditary conditions or diseases, and drugs or medications used by the birth mother during the child's pregnancy. Provides that adoptive parents or the adopted child when he or she is an adult may petition the court for the release of the summaries. Provides that no liability shall attach to anyone who provides information for a health summary or to the adoption registry (at present, liability protections only apply to the adoption registry). Provides that all information in health summaries is confidential and is not to be used as evidence in any other proceeding. Effective immediately.

LRB095 03854 AJ0 23885 b

1 AN ACT concerning civil law.

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 Sections  
5 6, 18.4a, 18.5, and 18.8 and by adding Section 18.4b as  
6 follows:

7 (750 ILCS 50/6) (from Ch. 40, par. 1508)

8 Sec. 6. A. Investigation; all cases. Within 10 days after  
9 the filing of a petition for the adoption or standby adoption  
10 of a child other than a related child, the court shall appoint  
11 a child welfare agency approved by the Department of Children  
12 and Family Services, or a person deemed competent by the court,  
13 or in Cook County the Court Services Division of the Cook  
14 County Department of Public Aid, or the Department of Children  
15 and Family Services if the court determines that no child  
16 welfare agency is available or that the petitioner is  
17 financially unable to pay for the investigation, to investigate  
18 accurately, fully and promptly, the allegations contained in  
19 the petition; the character, reputation, health and general  
20 standing in the community of the petitioners; the religious  
21 faith of the petitioners and, if ascertainable, of the child  
22 sought to be adopted; and whether the petitioners are proper  
23 persons to adopt the child and whether the child is a proper

1 subject of adoption. The investigation shall include a review  
2 of the individual health information summaries required by  
3 Section 18.4b. The investigation required under this Section  
4 shall include a fingerprint based criminal background check  
5 with a review of fingerprints by the Illinois State Police and  
6 Federal Bureau of Investigation. Each petitioner subject to  
7 this investigation, shall submit his or her fingerprints to the  
8 Department of State Police in the form and manner prescribed by  
9 the Department of State Police. These fingerprints shall be  
10 checked against the fingerprint records now and hereafter filed  
11 in the Department of State Police and Federal Bureau of  
12 Investigation criminal history records databases. The  
13 Department of State Police shall charge a fee for conducting  
14 the criminal history records check, which shall be deposited in  
15 the State Police Services Fund and shall not exceed the actual  
16 cost of the records check. The criminal background check  
17 required by this Section shall include a listing of when, where  
18 and by whom the criminal background check was prepared. The  
19 criminal background check required by this Section shall not be  
20 more than two years old.

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

25 B. Investigation; foreign-born child. In the case of a  
26 child born outside the United States or a territory thereof, in

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

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

13 C. Report of investigation. The court shall determine  
14 whether the costs of the investigation shall be charged to the  
15 petitioners. The information obtained as a result of such  
16 investigation shall be presented to the court in a written  
17 report. The results of the criminal background check required  
18 under subsection (A) shall be provided to the court for its  
19 review. The court may, in its discretion, weigh the  
20 significance of the results of the criminal background check  
21 against the entirety of the background of the petitioners. The  
22 Court, in its discretion, may accept the report of the  
23 investigation previously made by a licensed child welfare  
24 agency, if made within one year prior to the entry of the  
25 judgment. Such report shall be treated as confidential and  
26 withheld from inspection unless findings adverse to the

1 petitioners or to the child sought to be adopted are contained  
2 therein, and in that event the court shall inform the  
3 petitioners of the relevant portions pertaining to the adverse  
4 findings. In no event shall any facts set forth in the report  
5 be considered at the hearing of the proceeding, unless  
6 established by competent evidence. The report shall be filed  
7 with the record of the proceeding. If the file relating to the  
8 proceeding is not impounded, the report shall be impounded by  
9 the clerk of the court and shall be made available for  
10 inspection only upon order of the court.

11 D. Related adoption. Such investigation shall not be made  
12 when the petition seeks to adopt a related child or an adult  
13 unless the court, in its discretion, shall so order. In such an  
14 event the court may appoint a person deemed competent by the  
15 court.

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

17 (750 ILCS 50/18.4a) (from Ch. 40, par. 1522.4a)

18 Sec. 18.4a. Medical and mental health histories.

19 (a) Notwithstanding any other provision of law to the  
20 contrary, to the extent currently in possession of the agency,  
21 the medical and mental health histories of a child legally  
22 freed for adoption and of the birth parents, with information  
23 identifying the birth parents eliminated, shall be provided by  
24 an agency to the child's prospective adoptive parent and shall  
25 be provided upon request to an adoptive parent when a child has

1 been adopted. The medical and mental health histories shall  
2 include all the following available information:

3 (1) Conditions or diseases believed to be hereditary.

4 (2) Drugs or medications taken by the child's birth  
5 mother during pregnancy.

6 (3) Psychological and psychiatric information.

7 (4) Any other information that may be a factor  
8 influencing the child's present or future health.

9 (b) The Department of Children and Family Services may  
10 promulgate rules and regulations governing the release of  
11 medical histories under this Section and the preparation of the  
12 individual health information summaries required by Section  
13 18.4b.

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

15 (750 ILCS 50/18.4b new)

16 Sec. 18.4b. Individual health information summaries. In  
17 any adoption action, other than when the petition seeks to  
18 adopt a related child or an adult, individual health  
19 information summaries for the child, birth mother, and birth  
20 father shall be filed except for good cause shown with the  
21 circuit court clerk within 14 days after the petition for  
22 adoption is filed. An individual health information summary  
23 shall be based upon all significant medical, dental, and mental  
24 health information available about the person but shall not  
25 contain any information identifying either birth parent. Any

1 individual health information summary in the court file shall  
2 be confidential. Upon a motion by an adoptive parent of an  
3 adopted child or an adopted child who is an adult, a court may  
4 order the release of a summary and set conditions on the  
5 release.

6 (a) The child's individual health information summary  
7 shall include:

8 (1) his or her general physical characteristics and  
9 significant health information about the child concerning  
10 any disease, disability, dental condition, chronic or  
11 acute illness, allergy, hospitalization, or history of  
12 alcohol or other drug abuse;

13 (2) significant health information concerning any  
14 psychological or psychiatric condition, medication, or  
15 treatment;

16 (3) conditions or diseases believed to be hereditary;  
17 and

18 (4) any other information that may be a factor  
19 influencing the child's present or future physical,  
20 dental, or mental health.

21 (b) The birth mother's individual health information  
22 summary shall include:

23 (1) her age, general physical characteristics, and  
24 significant health information about her concerning any  
25 disease, disability, dental condition, chronic or acute  
26 illness, allergy, or history of alcohol or other drug

1 abuse;

2 (2) significant health information concerning any  
3 psychological or psychiatric condition, medication, or  
4 treatment;

5 (3) conditions or diseases believed to be hereditary;

6 (4) any other information that may be a factor  
7 influencing the child's present or future physical,  
8 dental, or mental health; and

9 (5) drugs or medications taken by her during the  
10 child's pregnancy.

11 (c) The birth father's individual health information  
12 summary shall include:

13 (1) his age, general physical characteristics, and  
14 significant health information about him concerning any  
15 disease, disability, dental condition, chronic or acute  
16 illness, allergy, or history of alcohol or other drug  
17 abuse;

18 (2) significant health information concerning any  
19 psychological or psychiatric condition, medication, or  
20 treatment;

21 (3) conditions or diseases believed to be hereditary;  
22 and

23 (4) any other information that may be a factor  
24 influencing the child's present or future physical,  
25 dental, or mental health.



1 (750 ILCS 50/18.5) (from Ch. 40, par. 1522.5)

2 Sec. 18.5. Liability. No liability shall attach to the  
3 State, any agency thereof, any licensed agency, any judge, any  
4 officer or employee of the court, or any party or employee  
5 thereof involved in the surrender of a child for adoption or in  
6 an adoption proceeding for acts or efforts made or information  
7 provided within the scope of Sections 18.05 thru 18.5,  
8 inclusive, of this Act and under its provisions, except for  
9 subsection (f) of Section 18.1.

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

11 (750 ILCS 50/18.8)

12 Sec. 18.8. Improper disclosure of identifying information.

13 (a) All information submitted to the Registry is  
14 confidential and gathered by the State solely for the purpose  
15 of facilitating the exchange of updated medical data and  
16 contact information between adopted and surrendered persons  
17 and other registered parties. Information exchanged through  
18 the Registry shall not be admissible as evidence nor  
19 discoverable in any action of any kind in any court or before  
20 any tribunal, board, agency, or commission.

21 (b) All information submitted to the court pursuant to  
22 Section 18-4b is confidential and gathered solely for the  
23 purpose of facilitating the disclosure of important health  
24 information about a child at the time of adoption or other  
25 relevant times for the benefit of the child and his or her

1 adoptive parents. Information provided pursuant to Section  
2 18.4b shall not be admissible as evidence nor discoverable in  
3 any action of any kind in any court or before any tribunal,  
4 board, agency, or commission.

5 (c) Disclosure of identifying information in violation of  
6 this Act is a Class A misdemeanor.

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

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law.