



Rep. Al Riley

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09600HB4220ham002

LRB096 10253 AJ0 25029 a

1 AMENDMENT TO HOUSE BILL 4220

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4220, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Adoption Act is amended by changing Section  
6 12.1 as follows:

7 (750 ILCS 50/12.1)

8 Sec. 12.1. Putative Father Registry. The Department of  
9 Children and Family Services shall establish a Putative Father  
10 Registry for the purpose of determining the identity and  
11 location of a putative father of a minor child who is, or is  
12 expected to be, the subject of an adoption proceeding, in order  
13 to provide notice of such proceeding to the putative father.  
14 The Department of Children and Family Services shall establish  
15 rules and informational material necessary to implement the  
16 provisions of this Section. The Department shall have the

1 authority to set reasonable fees for the use of the Registry.  
2 All such fees for the use of the Registry that are received by  
3 the Department or its agent shall be deposited into the fund  
4 authorized under subsection (b) of Section 25 of the Children  
5 and Family Services Act. The Department shall use the moneys in  
6 that fund for the purpose of maintaining the Registry.

7 (a) The Department shall maintain the following  
8 information in the Registry:

9 (1) With respect to the putative father:

10 (i) Name, including any other names by which the  
11 putative father may be known and that he may provide to  
12 the Registry;

13 (ii) Address at which he may be served with notice  
14 of a petition under this Act, including any change of  
15 address;

16 (iii) Social Security Number;

17 (iv) Date of birth; and

18 (v) If applicable, a certified copy of an order by  
19 a court of this State or of another state or territory  
20 of the United States adjudicating the putative father  
21 to be the father of the child.

22 (2) With respect to the mother of the child:

23 (i) Name, including all other names known to the  
24 putative father by which the mother may be known;

25 (ii) If known to the putative father, her last  
26 address;

1 (iii) Social Security Number; and

2 (iv) Date of birth.

3 (3) If known to the putative father, the name, gender,  
4 place of birth, and date of birth or anticipated date of  
5 birth of the child.

6 (4) The date that the Department received the putative  
7 father's registration.

8 (5) Other information as the Department may by rule  
9 determine necessary for the orderly administration of the  
10 Registry.

11 (b) A putative father may register with the Department  
12 before the birth of the child but shall register no later than  
13 30 days after the birth of the child. All registrations shall  
14 be in writing and signed by the putative father. No fee shall  
15 be charged for the initial registration. The Department shall  
16 have no independent obligation to gather the information to be  
17 maintained.

18 (c) An interested party, including persons intending to  
19 adopt a child, a child welfare agency with whom the mother has  
20 placed or has given written notice of her intention to place a  
21 child for adoption, the mother of the child, or an attorney  
22 representing an interested party may request that the  
23 Department search the Registry to determine whether a putative  
24 father is registered in relation to a child who is or may be  
25 the subject to an adoption petition.

26 (d) A search of the Registry may be proven by the

1 production of a certified copy of the registration form, or by  
2 the certified statement of the administrator of the Registry  
3 that after a search, no registration of a putative father in  
4 relation to a child who is or may be the subject of an adoption  
5 petition could be located.

6 (e) Except as otherwise provided, information contained  
7 within the Registry is confidential and shall not be published  
8 or open to public inspection.

9 (f) A person who knowingly or intentionally registers false  
10 information under this Section commits a Class B misdemeanor. A  
11 person who knowingly or intentionally releases confidential  
12 information in violation of this Section commits a Class B  
13 misdemeanor.

14 (g) Except as provided in subsections (b) or (c) of Section  
15 8 of this Act, a putative father who fails to register with the  
16 Putative Father Registry as provided in this Section is barred  
17 from thereafter bringing or maintaining any action to assert  
18 any interest in the child, unless he proves by clear and  
19 convincing evidence that:

20 (1) it was not possible for him to register within the  
21 period of time specified in subsection (b) of this Section;  
22 and

23 (2) his failure to register was through no fault of his  
24 own; and

25 (3) he registered within 10 days after it became  
26 possible for him to file.

1       A putative father who files a verified petition alleging  
2 facts sufficient to meet the requirements of the exception set  
3 forth in this subsection (g) is entitled to a hearing limited  
4 solely to whether his registration falls within said exception,  
5 however, in no event is a putative father entitled to a hearing  
6 if said petition is filed after the entry of an order  
7 terminating the parental rights of said putative father unless  
8 he can show that a fraud has been perpetuated upon the court. A  
9 lack of knowledge of the pregnancy or birth is not an  
10 acceptable reason for failure to register.

11       (h) Except as provided in subsection (b) or (c) of Section  
12 8 of this Act, failure to timely register with the Putative  
13 Father Registry (i) shall be deemed to be a waiver and  
14 surrender of any right to notice of any hearing in any judicial  
15 proceeding for the adoption of the child, and the consent or  
16 surrender of that person to the adoption of the child is not  
17 required, and (ii) shall constitute an abandonment of the child  
18 and shall be prima facie evidence of sufficient grounds to  
19 support termination of such father's parental rights under this  
20 Act.

21       (i) In any adoption proceeding pertaining to a child born  
22 out of wedlock, if there is no showing that a putative father  
23 has executed a consent or surrender or waived his rights  
24 regarding the proposed adoption, certification as specified in  
25 subsection (d) shall be filed with the court prior to entry of  
26 a final judgment order of adoption.

1           (j) The Registry shall not be used to notify a putative  
2 father who is the father of a child as a result of criminal  
3 sexual abuse or assault as defined under Article 12 of the  
4 Criminal Code of 1961.

5           (Source: P.A. 94-1010, eff. 10-1-06.)".