

# HB1297



## 98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB1297

by Rep. Pam Roth

### SYNOPSIS AS INTRODUCED:

750 ILCS 50/1  
750 ILCS 50/4.1

from Ch. 40, par. 1501  
from Ch. 40, par. 1506

Amends the Adoption Act. Eliminates the definition and function of the Intercountry Adoption Coordinator in the Department of Children and Family Services.

LRB098 00245 AJO 30249 b

A BILL FOR

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 1 and 4.1 as follows:

6 (750 ILCS 50/1) (from Ch. 40, par. 1501)

7 Sec. 1. Definitions. When used in this Act, unless the  
8 context otherwise requires:

9 A. "Child" means a person under legal age subject to  
10 adoption under this Act.

11 B. "Related child" means a child subject to adoption where  
12 either or both of the adopting parents stands in any of the  
13 following relationships to the child by blood or marriage:  
14 parent, grand-parent, brother, sister, step-parent,  
15 step-grandparent, step-brother, step-sister, uncle, aunt,  
16 great-uncle, great-aunt, or cousin of first degree. A child  
17 whose parent has executed a final irrevocable consent to  
18 adoption or a final irrevocable surrender for purposes of  
19 adoption, or whose parent has had his or her parental rights  
20 terminated, is not a related child to that person, unless the  
21 consent is determined to be void or is void pursuant to  
22 subsection O of Section 10.

23 C. "Agency" for the purpose of this Act means a public

1 child welfare agency or a licensed child welfare agency.

2 D. "Unfit person" means any person whom the court shall  
3 find to be unfit to have a child, without regard to the  
4 likelihood that the child will be placed for adoption. The  
5 grounds of unfitness are any one or more of the following,  
6 except that a person shall not be considered an unfit person  
7 for the sole reason that the person has relinquished a child in  
8 accordance with the Abandoned Newborn Infant Protection Act:

9 (a) Abandonment of the child.

10 (a-1) Abandonment of a newborn infant in a hospital.

11 (a-2) Abandonment of a newborn infant in any setting  
12 where the evidence suggests that the parent intended to  
13 relinquish his or her parental rights.

14 (b) Failure to maintain a reasonable degree of  
15 interest, concern or responsibility as to the child's  
16 welfare.

17 (c) Desertion of the child for more than 3 months next  
18 preceding the commencement of the Adoption proceeding.

19 (d) Substantial neglect of the child if continuous or  
20 repeated.

21 (d-1) Substantial neglect, if continuous or repeated,  
22 of any child residing in the household which resulted in  
23 the death of that child.

24 (e) Extreme or repeated cruelty to the child.

25 (f) There is a rebuttable presumption, which can be  
26 overcome only by clear and convincing evidence, that a

1 parent is unfit if:

2 (1) Two or more findings of physical abuse have  
3 been entered regarding any children under Section 2-21  
4 of the Juvenile Court Act of 1987, the most recent of  
5 which was determined by the juvenile court hearing the  
6 matter to be supported by clear and convincing  
7 evidence; or

8 (2) The parent has been convicted or found not  
9 guilty by reason of insanity and the conviction or  
10 finding resulted from the death of any child by  
11 physical abuse; or

12 (3) There is a finding of physical child abuse  
13 resulting from the death of any child under Section  
14 2-21 of the Juvenile Court Act of 1987.

15 No conviction or finding of delinquency pursuant  
16 to Article 5 of the Juvenile Court Act of 1987 shall be  
17 considered a criminal conviction for the purpose of  
18 applying any presumption under this item (f).

19 (g) Failure to protect the child from conditions within  
20 his environment injurious to the child's welfare.

21 (h) Other neglect of, or misconduct toward the child;  
22 provided that in making a finding of unfitness the court  
23 hearing the adoption proceeding shall not be bound by any  
24 previous finding, order or judgment affecting or  
25 determining the rights of the parents toward the child  
26 sought to be adopted in any other proceeding except such

1 proceedings terminating parental rights as shall be had  
2 under either this Act, the Juvenile Court Act or the  
3 Juvenile Court Act of 1987.

4 (i) Depravity. Conviction of any one of the following  
5 crimes shall create a presumption that a parent is deprived  
6 which can be overcome only by clear and convincing  
7 evidence: (1) first degree murder in violation of paragraph  
8 1 or 2 of subsection (a) of Section 9-1 of the Criminal  
9 Code of 1961 or conviction of second degree murder in  
10 violation of subsection (a) of Section 9-2 of the Criminal  
11 Code of 1961 of a parent of the child to be adopted; (2)  
12 first degree murder or second degree murder of any child in  
13 violation of the Criminal Code of 1961; (3) attempt or  
14 conspiracy to commit first degree murder or second degree  
15 murder of any child in violation of the Criminal Code of  
16 1961; (4) solicitation to commit murder of any child,  
17 solicitation to commit murder of any child for hire, or  
18 solicitation to commit second degree murder of any child in  
19 violation of the Criminal Code of 1961; (5) predatory  
20 criminal sexual assault of a child in violation of Section  
21 11-1.40 or 12-14.1 of the Criminal Code of 1961; (6)  
22 heinous battery of any child in violation of the Criminal  
23 Code of 1961; or (7) aggravated battery of any child in  
24 violation of the Criminal Code of 1961.

25 There is a rebuttable presumption that a parent is  
26 deprived if the parent has been criminally convicted of at

1           least 3 felonies under the laws of this State or any other  
2           state, or under federal law, or the criminal laws of any  
3           United States territory; and at least one of these  
4           convictions took place within 5 years of the filing of the  
5           petition or motion seeking termination of parental rights.

6           There is a rebuttable presumption that a parent is  
7           depraved if that parent has been criminally convicted of  
8           either first or second degree murder of any person as  
9           defined in the Criminal Code of 1961 within 10 years of the  
10          filing date of the petition or motion to terminate parental  
11          rights.

12          No conviction or finding of delinquency pursuant to  
13          Article 5 of the Juvenile Court Act of 1987 shall be  
14          considered a criminal conviction for the purpose of  
15          applying any presumption under this item (i).

16                 (j) Open and notorious adultery or fornication.

17                 (j-1) (Blank).

18                 (k) Habitual drunkenness or addiction to drugs, other  
19          than those prescribed by a physician, for at least one year  
20          immediately prior to the commencement of the unfitness  
21          proceeding.

22          There is a rebuttable presumption that a parent is  
23          unfit under this subsection with respect to any child to  
24          which that parent gives birth where there is a confirmed  
25          test result that at birth the child's blood, urine, or  
26          meconium contained any amount of a controlled substance as

1 defined in subsection (f) of Section 102 of the Illinois  
2 Controlled Substances Act or metabolites of such  
3 substances, the presence of which in the newborn infant was  
4 not the result of medical treatment administered to the  
5 mother or the newborn infant; and the biological mother of  
6 this child is the biological mother of at least one other  
7 child who was adjudicated a neglected minor under  
8 subsection (c) of Section 2-3 of the Juvenile Court Act of  
9 1987.

10 (l) Failure to demonstrate a reasonable degree of  
11 interest, concern or responsibility as to the welfare of a  
12 new born child during the first 30 days after its birth.

13 (m) Failure by a parent (i) to make reasonable efforts  
14 to correct the conditions that were the basis for the  
15 removal of the child from the parent, or (ii) to make  
16 reasonable progress toward the return of the child to the  
17 parent within 9 months after an adjudication of neglected  
18 or abused minor under Section 2-3 of the Juvenile Court Act  
19 of 1987 or dependent minor under Section 2-4 of that Act,  
20 or (iii) to make reasonable progress toward the return of  
21 the child to the parent during any 9-month period after the  
22 end of the initial 9-month period following the  
23 adjudication of neglected or abused minor under Section 2-3  
24 of the Juvenile Court Act of 1987 or dependent minor under  
25 Section 2-4 of that Act. If a service plan has been  
26 established as required under Section 8.2 of the Abused and

1 Neglected Child Reporting Act to correct the conditions  
2 that were the basis for the removal of the child from the  
3 parent and if those services were available, then, for  
4 purposes of this Act, "failure to make reasonable progress  
5 toward the return of the child to the parent" includes (I)  
6 the parent's failure to substantially fulfill his or her  
7 obligations under the service plan and correct the  
8 conditions that brought the child into care within 9 months  
9 after the adjudication under Section 2-3 or 2-4 of the  
10 Juvenile Court Act of 1987 and (II) the parent's failure to  
11 substantially fulfill his or her obligations under the  
12 service plan and correct the conditions that brought the  
13 child into care during any 9-month period after the end of  
14 the initial 9-month period following the adjudication  
15 under Section 2-3 or 2-4 of the Juvenile Court Act of 1987.  
16 Notwithstanding any other provision, when a petition or  
17 motion seeks to terminate parental rights on the basis of  
18 item (iii) of this subsection (m), the petitioner shall  
19 file with the court and serve on the parties a pleading  
20 that specifies the 9-month period or periods relied on. The  
21 pleading shall be filed and served on the parties no later  
22 than 3 weeks before the date set by the court for closure  
23 of discovery, and the allegations in the pleading shall be  
24 treated as incorporated into the petition or motion.  
25 Failure of a respondent to file a written denial of the  
26 allegations in the pleading shall not be treated as an



1 admission that the allegations are true.

2 (m-1) Pursuant to the Juvenile Court Act of 1987, a  
3 child has been in foster care for 15 months out of any 22  
4 month period which begins on or after the effective date of  
5 this amendatory Act of 1998 unless the child's parent can  
6 prove by a preponderance of the evidence that it is more  
7 likely than not that it will be in the best interests of  
8 the child to be returned to the parent within 6 months of  
9 the date on which a petition for termination of parental  
10 rights is filed under the Juvenile Court Act of 1987. The  
11 15 month time limit is tolled during any period for which  
12 there is a court finding that the appointed custodian or  
13 guardian failed to make reasonable efforts to reunify the  
14 child with his or her family, provided that (i) the finding  
15 of no reasonable efforts is made within 60 days of the  
16 period when reasonable efforts were not made or (ii) the  
17 parent filed a motion requesting a finding of no reasonable  
18 efforts within 60 days of the period when reasonable  
19 efforts were not made. For purposes of this subdivision  
20 (m-1), the date of entering foster care is the earlier of:  
21 (i) the date of a judicial finding at an adjudicatory  
22 hearing that the child is an abused, neglected, or  
23 dependent minor; or (ii) 60 days after the date on which  
24 the child is removed from his or her parent, guardian, or  
25 legal custodian.

26 (n) Evidence of intent to forgo his or her parental

1 rights, whether or not the child is a ward of the court,  
2 (1) as manifested by his or her failure for a period of 12  
3 months: (i) to visit the child, (ii) to communicate with  
4 the child or agency, although able to do so and not  
5 prevented from doing so by an agency or by court order, or  
6 (iii) to maintain contact with or plan for the future of  
7 the child, although physically able to do so, or (2) as  
8 manifested by the father's failure, where he and the mother  
9 of the child were unmarried to each other at the time of  
10 the child's birth, (i) to commence legal proceedings to  
11 establish his paternity under the Illinois Parentage Act of  
12 1984 or the law of the jurisdiction of the child's birth  
13 within 30 days of being informed, pursuant to Section 12a  
14 of this Act, that he is the father or the likely father of  
15 the child or, after being so informed where the child is  
16 not yet born, within 30 days of the child's birth, or (ii)  
17 to make a good faith effort to pay a reasonable amount of  
18 the expenses related to the birth of the child and to  
19 provide a reasonable amount for the financial support of  
20 the child, the court to consider in its determination all  
21 relevant circumstances, including the financial condition  
22 of both parents; provided that the ground for termination  
23 provided in this subparagraph (n)(2)(ii) shall only be  
24 available where the petition is brought by the mother or  
25 the husband of the mother.

26 Contact or communication by a parent with his or her

1 child that does not demonstrate affection and concern does  
2 not constitute reasonable contact and planning under  
3 subdivision (n). In the absence of evidence to the  
4 contrary, the ability to visit, communicate, maintain  
5 contact, pay expenses and plan for the future shall be  
6 presumed. The subjective intent of the parent, whether  
7 expressed or otherwise, unsupported by evidence of the  
8 foregoing parental acts manifesting that intent, shall not  
9 preclude a determination that the parent has intended to  
10 forgo his or her parental rights. In making this  
11 determination, the court may consider but shall not require  
12 a showing of diligent efforts by an authorized agency to  
13 encourage the parent to perform the acts specified in  
14 subdivision (n).

15 It shall be an affirmative defense to any allegation  
16 under paragraph (2) of this subsection that the father's  
17 failure was due to circumstances beyond his control or to  
18 impediments created by the mother or any other person  
19 having legal custody. Proof of that fact need only be by a  
20 preponderance of the evidence.

21 (o) Repeated or continuous failure by the parents,  
22 although physically and financially able, to provide the  
23 child with adequate food, clothing, or shelter.

24 (p) Inability to discharge parental responsibilities  
25 supported by competent evidence from a psychiatrist,  
26 licensed clinical social worker, or clinical psychologist

1 of mental impairment, mental illness or an intellectual  
2 disability as defined in Section 1-116 of the Mental Health  
3 and Developmental Disabilities Code, or developmental  
4 disability as defined in Section 1-106 of that Code, and  
5 there is sufficient justification to believe that the  
6 inability to discharge parental responsibilities shall  
7 extend beyond a reasonable time period. However, this  
8 subdivision (p) shall not be construed so as to permit a  
9 licensed clinical social worker to conduct any medical  
10 diagnosis to determine mental illness or mental  
11 impairment.

12 (q) (Blank).

13 (r) The child is in the temporary custody or  
14 guardianship of the Department of Children and Family  
15 Services, the parent is incarcerated as a result of  
16 criminal conviction at the time the petition or motion for  
17 termination of parental rights is filed, prior to  
18 incarceration the parent had little or no contact with the  
19 child or provided little or no support for the child, and  
20 the parent's incarceration will prevent the parent from  
21 discharging his or her parental responsibilities for the  
22 child for a period in excess of 2 years after the filing of  
23 the petition or motion for termination of parental rights.

24 (s) The child is in the temporary custody or  
25 guardianship of the Department of Children and Family  
26 Services, the parent is incarcerated at the time the

1 petition or motion for termination of parental rights is  
2 filed, the parent has been repeatedly incarcerated as a  
3 result of criminal convictions, and the parent's repeated  
4 incarceration has prevented the parent from discharging  
5 his or her parental responsibilities for the child.

6 (t) A finding that at birth the child's blood, urine,  
7 or meconium contained any amount of a controlled substance  
8 as defined in subsection (f) of Section 102 of the Illinois  
9 Controlled Substances Act, or a metabolite of a controlled  
10 substance, with the exception of controlled substances or  
11 metabolites of such substances, the presence of which in  
12 the newborn infant was the result of medical treatment  
13 administered to the mother or the newborn infant, and that  
14 the biological mother of this child is the biological  
15 mother of at least one other child who was adjudicated a  
16 neglected minor under subsection (c) of Section 2-3 of the  
17 Juvenile Court Act of 1987, after which the biological  
18 mother had the opportunity to enroll in and participate in  
19 a clinically appropriate substance abuse counseling,  
20 treatment, and rehabilitation program.

21 E. "Parent" means the father or mother of a lawful child of  
22 the parties or child born out of wedlock. For the purpose of  
23 this Act, a person who has executed a final and irrevocable  
24 consent to adoption or a final and irrevocable surrender for  
25 purposes of adoption, or whose parental rights have been  
26 terminated by a court, is not a parent of the child who was the

1 subject of the consent or surrender, unless the consent is void  
2 pursuant to subsection O of Section 10.

3 F. A person is available for adoption when the person is:

4 (a) a child who has been surrendered for adoption to an  
5 agency and to whose adoption the agency has thereafter  
6 consented;

7 (b) a child to whose adoption a person authorized by  
8 law, other than his parents, has consented, or to whose  
9 adoption no consent is required pursuant to Section 8 of  
10 this Act;

11 (c) a child who is in the custody of persons who intend  
12 to adopt him through placement made by his parents;

13 (c-1) a child for whom a parent has signed a specific  
14 consent pursuant to subsection O of Section 10;

15 (d) an adult who meets the conditions set forth in  
16 Section 3 of this Act; or

17 (e) a child who has been relinquished as defined in  
18 Section 10 of the Abandoned Newborn Infant Protection Act.

19 A person who would otherwise be available for adoption  
20 shall not be deemed unavailable for adoption solely by reason  
21 of his or her death.

22 G. The singular includes the plural and the plural includes  
23 the singular and the "male" includes the "female", as the  
24 context of this Act may require.

25 H. "Adoption disruption" occurs when an adoptive placement  
26 does not prove successful and it becomes necessary for the

1 child to be removed from placement before the adoption is  
2 finalized.

3 I. "Foreign placing agency" is an agency or individual  
4 operating in a country or territory outside the United States  
5 that is authorized by its country to place children for  
6 adoption either directly with families in the United States or  
7 through United States based international agencies.

8 J. "Immediate relatives" means the biological parents, the  
9 parents of the biological parents and siblings of the  
10 biological parents.

11 K. "Intercountry adoption" is a process by which a child  
12 from a country other than the United States is adopted.

13 L. (Blank). ~~"Intercountry Adoption Coordinator" is a staff~~  
14 ~~person of the Department of Children and Family Services~~  
15 ~~appointed by the Director to coordinate the provision of~~  
16 ~~services by the public and private sector to prospective~~  
17 ~~parents of foreign born children.~~

18 M. "Interstate Compact on the Placement of Children" is a  
19 law enacted by most states for the purpose of establishing  
20 uniform procedures for handling the interstate placement of  
21 children in foster homes, adoptive homes, or other child care  
22 facilities.

23 N. "Non-Compact state" means a state that has not enacted  
24 the Interstate Compact on the Placement of Children.

25 O. "Preadoption requirements" are any conditions  
26 established by the laws or regulations of the Federal

1 Government or of each state that must be met prior to the  
2 placement of a child in an adoptive home.

3 P. "Abused child" means a child whose parent or immediate  
4 family member, or any person responsible for the child's  
5 welfare, or any individual residing in the same home as the  
6 child, or a paramour of the child's parent:

7 (a) inflicts, causes to be inflicted, or allows to be  
8 inflicted upon the child physical injury, by other than  
9 accidental means, that causes death, disfigurement,  
10 impairment of physical or emotional health, or loss or  
11 impairment of any bodily function;

12 (b) creates a substantial risk of physical injury to  
13 the child by other than accidental means which would be  
14 likely to cause death, disfigurement, impairment of  
15 physical or emotional health, or loss or impairment of any  
16 bodily function;

17 (c) commits or allows to be committed any sex offense  
18 against the child, as sex offenses are defined in the  
19 Criminal Code of 1961 and extending those definitions of  
20 sex offenses to include children under 18 years of age;

21 (d) commits or allows to be committed an act or acts of  
22 torture upon the child; or

23 (e) inflicts excessive corporal punishment.

24 Q. "Neglected child" means any child whose parent or other  
25 person responsible for the child's welfare withholds or denies  
26 nourishment or medically indicated treatment including food or



1 care denied solely on the basis of the present or anticipated  
2 mental or physical impairment as determined by a physician  
3 acting alone or in consultation with other physicians or  
4 otherwise does not provide the proper or necessary support,  
5 education as required by law, or medical or other remedial care  
6 recognized under State law as necessary for a child's  
7 well-being, or other care necessary for his or her well-being,  
8 including adequate food, clothing and shelter; or who is  
9 abandoned by his or her parents or other person responsible for  
10 the child's welfare.

11 A child shall not be considered neglected or abused for the  
12 sole reason that the child's parent or other person responsible  
13 for his or her welfare depends upon spiritual means through  
14 prayer alone for the treatment or cure of disease or remedial  
15 care as provided under Section 4 of the Abused and Neglected  
16 Child Reporting Act. A child shall not be considered neglected  
17 or abused for the sole reason that the child's parent or other  
18 person responsible for the child's welfare failed to vaccinate,  
19 delayed vaccination, or refused vaccination for the child due  
20 to a waiver on religious or medical grounds as permitted by  
21 law.

22 R. "Putative father" means a man who may be a child's  
23 father, but who (1) is not married to the child's mother on or  
24 before the date that the child was or is to be born and (2) has  
25 not established paternity of the child in a court proceeding  
26 before the filing of a petition for the adoption of the child.

1 The term includes a male who is less than 18 years of age.  
2 "Putative father" does not mean a man who is the child's father  
3 as a result of criminal sexual abuse or assault as defined  
4 under Article 12 of the Criminal Code of 1961.

5 S. "Standby adoption" means an adoption in which a parent  
6 consents to custody and termination of parental rights to  
7 become effective upon the occurrence of a future event, which  
8 is either the death of the parent or the request of the parent  
9 for the entry of a final judgment of adoption.

10 T. (Blank).

11 (Source: P.A. 96-1551, eff. 7-1-11; 97-227, eff. 1-1-12;  
12 97-1109, eff. 1-1-13.)

13 (750 ILCS 50/4.1) (from Ch. 40, par. 1506)

14 Sec. 4.1. Except for children placed with relatives by the  
15 Department of Children and Family Services pursuant to  
16 subsection (b) of Section 7 of the Children and Family Services  
17 Act, placements under this Act shall comply with the Child Care  
18 Act of 1969 and the Interstate Compact on the Placement of  
19 Children. Placements of children born outside the United States  
20 or a territory thereof shall comply with rules promulgated by  
21 the United States Department of Immigration and  
22 Naturalization.

23 Rules promulgated by the Department of Children and Family  
24 Services shall include but not be limited to the following:

25 (a) Any agency providing adoption services as defined in

1 Section 2.24 of the Child Care Act of 1969 in this State:

2 (i) Shall be licensed in this State as a child welfare  
3 agency as defined in Section 2.08 of the Child Care Act of  
4 1969; or

5 (ii) Shall be licensed as a child placement agency in a  
6 state which is a party to the Interstate Compact on the  
7 Placement of Children and shall be approved by the  
8 Department to place children into Illinois in accordance  
9 with subsection (a-5) of this Section; or

10 (iii) Shall be licensed as a child placement agency in  
11 a country other than the United States or, if located in  
12 such a country but not so licensed, shall provide  
13 information such as a license or court document which  
14 authorizes that agency to place children for adoption and  
15 to establish that such agency has legal authority to place  
16 children for adoption; or

17 (iv) Shall be a child placement agency which is so  
18 licensed in a non-compact state and shall be approved by  
19 the Department to place children into Illinois in  
20 accordance with subsection (a-5) of this Section, if such  
21 agency first files with the Department of Children and  
22 Family Services a bond with surety in the amount of \$5,000  
23 for each such child to ensure that such child shall not  
24 become a public charge upon this State. Such bond shall  
25 remain in effect until a judgment for adoption is entered  
26 with respect to such child pursuant to this Act. The

1 Department of Children and Family Services may accept, in  
2 lieu of such bond, a written agreement with such agency  
3 which provides that such agency shall be liable for all  
4 costs associated with the placement of such child in the  
5 event a judgment of adoption is not entered, upon such  
6 terms and conditions as the Department deems appropriate.

7 The rules shall also provide that any agency that places  
8 children for adoption in this State may not, in any policy or  
9 practice relating to the placement of children for adoption,  
10 discriminate against any child or prospective adoptive parent  
11 on the basis of race.

12 (a-5) Out-of-state private placing agencies that seek to  
13 place children into Illinois for the purpose of foster care or  
14 adoption shall provide all of the following to the Department:

15 (i) A copy of the agency's current license or other  
16 form of authorization from the approving authority in the  
17 agency's state. If no such license or authorization is  
18 issued, the agency must provide a reference statement from  
19 the approving authority stating the agency is authorized to  
20 place children in foster care or adoption or both in its  
21 jurisdiction.

22 (ii) A description of the program, including home  
23 studies, placements, and supervisions that the child  
24 placing agency conducts within its geographical area, and,  
25 if applicable, adoptive placements and the finalization of  
26 adoptions. The child placing agency must accept continued

1 responsibility for placement planning and replacement if  
2 the placement fails.

3 (iii) Notification to the Department of any  
4 significant child placing agency changes after approval.

5 (iv) Any other information the Department may require.

6 If the adoption is finalized prior to bringing or sending  
7 the child to Illinois, Department approval of the out-of-state  
8 child placing agency involved is not required under this  
9 Section, nor is compliance with the Interstate Compact on the  
10 Placement of Children.

11 (b) As an alternative to requiring the bond provided for in  
12 paragraph (a)(iv) of this Section, the Department of Children  
13 and Family Services may require the filing of such a bond by  
14 the individual or individuals seeking to adopt such a child  
15 through placement of such child by a child placement agency  
16 located in a state which is not a party to the Interstate  
17 Compact on the Placement of Children.

18 (c) In the case of any foreign-born child brought to the  
19 United States for adoption in this State, the following  
20 preadoption requirements shall be met:

21 (1) Documentation that the child is legally free for  
22 adoption prior to entry into the United States shall be  
23 submitted.

24 (2) A medical report on the child, by authorized  
25 medical personnel in the country of the child's origin,  
26 shall be provided when such personnel are available.

1           (3) Verification that the adoptive family has been  
2 licensed as a foster family home pursuant to the Child Care  
3 Act of 1969, as now or hereafter amended, shall be  
4 provided.

5           (4) A valid home study conducted by a licensed child  
6 welfare agency that complies with guidelines established  
7 by the United States Immigration and Naturalization  
8 Service at 8 CFR 204.4(d)(2)(i), as now or hereafter  
9 amended, shall be submitted. A home study is considered  
10 valid if it contains:

11           (i) A factual evaluation of the financial,  
12 physical, mental and moral capabilities of the  
13 prospective parent or parents to rear and educate the  
14 child properly.

15           (ii) A detailed description of the living  
16 accommodations where the prospective parent or parents  
17 currently reside.

18           (iii) A detailed description of the living  
19 accommodations in the United States where the child  
20 will reside, if known.

21           (iv) A statement or attachment recommending the  
22 proposed adoption signed by an official of the child  
23 welfare agency which has conducted the home study.

24           (5) The placing agency located in a non-compact state  
25 or a family desiring to adopt through an authorized  
26 placement party in a non-compact state or a foreign country

1 shall file with the Department of Children and Family  
2 Services a bond with surety in the amount of \$5,000 as  
3 protection that a foreign-born child accepted for care or  
4 supervision not become a public charge upon the State of  
5 Illinois.

6 (6) In lieu of the \$5,000 bond, the placement agency  
7 may sign a binding agreement with the Department of  
8 Children and Family Services to assume full liability for  
9 all placements should, for any reason, the adoption be  
10 disrupted or not be completed, including financial and  
11 planning responsibility until the child is either returned  
12 to the country of its origin or placed with a new adoptive  
13 family in the United States and that adoption is finalized.

14 (7) Compliance with the requirements of the Interstate  
15 Compact on the Placement of Children, when applicable,  
16 shall be demonstrated.

17 (8) When a child is adopted in a foreign country and a  
18 final, complete and valid Order of Adoption is issued in  
19 that country, as determined by both the United States  
20 Department of State and the United States Department of  
21 Justice, this State shall not impose any additional  
22 preadoption requirements. The adoptive family, however,  
23 must comply with applicable requirements of the United  
24 States Department of Immigration and Naturalization as  
25 provided in 8 CFR 204.4 (d)(2)(ii), as now or hereafter  
26 amended.

1           (d) (Blank). ~~The Department of Children and Family Services~~  
2 ~~shall maintain the office of Intercountry Adoption~~  
3 ~~Coordinator, shall maintain and protect the rights of families~~  
4 ~~and children participating in adoption of foreign born~~  
5 ~~children, and shall develop ongoing programs of support and~~  
6 ~~services to such families and children. The Intercountry~~  
7 ~~Adoption Coordinator shall determine that all preadoption~~  
8 ~~requirements have been met and report such information to the~~  
9 ~~Department of Immigration and Naturalization.~~

10           (Source: P.A. 94-586, eff. 8-15-05.)