

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 Child Care Act of 1969 is amended by adding  
5 Sections 2.30, 2.31, 2.32, 2.33, and 2.34 as follows:

6 (225 ILCS 10/2.30 new)

7 Sec. 2.30. Placement disruption. "Placement disruption"  
8 means a circumstance where the child is removed from an  
9 adoptive placement before the adoption is finalized.

10 (225 ILCS 10/2.31 new)

11 Sec. 2.31. Secondary placement. "Secondary placement"  
12 means a placement, including but not limited to the placement  
13 of a ward of the Department, that occurs after a placement  
14 disruption or adoption dissolution. "Secondary placement" does  
15 not mean secondary placements arising due to the death of the  
16 adoptive parent of the child.

17 (225 ILCS 10/2.32 new)

18 Sec. 2.32. Adoption dissolution. "Adoption dissolution"  
19 means a circumstance where the child is removed from an  
20 adoptive placement after the adoption is finalized.

1 (225 ILCS 10/2.33 new)

2 Sec. 2.33. Unregulated placement. "Unregulated placement"  
3 means the secondary placement of a child that occurs without  
4 the oversight of the courts, the Department, or a licensed  
5 child welfare agency.

6 (225 ILCS 10/2.34 new)

7 Sec. 2.34. Post-placement and post-adoption support  
8 services. "Post-placement and post-adoption support services"  
9 means support services for placed or adopted children and  
10 families that include, but are not limited to, counseling for  
11 emotional, behavioral, or developmental needs.

12 Section 10. The Adoption Act is amended by changing  
13 Sections 1, 2, 4.1, 5, and 13 and by adding Section 18.9 as  
14 follows:

15 (750 ILCS 50/1) (from Ch. 40, par. 1501)

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

18 A. "Child" means a person under legal age subject to  
19 adoption under this Act.

20 B. "Related child" means a child subject to adoption where  
21 either or both of the adopting parents stands in any of the  
22 following relationships to the child by blood, marriage,  
23 adoption, or civil union: parent, grand-parent,

1 great-grandparent, brother, sister, step-parent,  
2 step-grandparent, step-brother, step-sister, uncle, aunt,  
3 great-uncle, great-aunt, first cousin, or second cousin. A  
4 person is related to the child as a first cousin or second  
5 cousin if they are both related to the same ancestor as either  
6 grandchild or great-grandchild. A child whose parent has  
7 executed a consent to adoption, a surrender, or a waiver  
8 pursuant to Section 10 of this Act or whose parent has signed a  
9 denial of paternity pursuant to Section 12 of the Vital Records  
10 Act or Section 12a of this Act, or whose parent has had his or  
11 her parental rights terminated, is not a related child to that  
12 person, unless (1) the consent is determined to be void or is  
13 void pursuant to subsection O of Section 10 of this Act; or (2)  
14 the parent of the child executed a consent to adoption by a  
15 specified person or persons pursuant to subsection A-1 of  
16 Section 10 of this Act and a court of competent jurisdiction  
17 finds that such consent is void; or (3) the order terminating  
18 the parental rights of the parent is vacated by a court of  
19 competent jurisdiction.

20 C. "Agency" for the purpose of this Act means a public  
21 child welfare agency or a licensed child welfare agency.

22 D. "Unfit person" means any person whom the court shall  
23 find to be unfit to have a child, without regard to the  
24 likelihood that the child will be placed for adoption. The  
25 grounds of unfitness are any one or more of the following,  
26 except that a person shall not be considered an unfit person

1 for the sole reason that the person has relinquished a child in  
2 accordance with the Abandoned Newborn Infant Protection Act:

3 (a) Abandonment of the child.

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

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

8 (b) Failure to maintain a reasonable degree of  
9 interest, concern or responsibility as to the child's  
10 welfare.

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

13 (d) Substantial neglect of the child if continuous or  
14 repeated.

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

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

19 (f) There is a rebuttable presumption, which can be  
20 overcome only by clear and convincing evidence, that a  
21 parent is unfit if:

22 (1) Two or more findings of physical abuse have  
23 been entered regarding any children under Section 2-21  
24 of the Juvenile Court Act of 1987, the most recent of  
25 which was determined by the juvenile court hearing the  
26 matter to be supported by clear and convincing

1 evidence; or

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

6 (3) There is a finding of physical child abuse  
7 resulting from the death of any child under Section  
8 2-21 of the Juvenile Court Act of 1987.

9 No conviction or finding of delinquency pursuant  
10 to Article V of the Juvenile Court Act of 1987 shall be  
11 considered a criminal conviction for the purpose of  
12 applying any presumption under this item (f).

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

15 (h) Other neglect of, or misconduct toward the child;  
16 provided that in making a finding of unfitness the court  
17 hearing the adoption proceeding shall not be bound by any  
18 previous finding, order or judgment affecting or  
19 determining the rights of the parents toward the child  
20 sought to be adopted in any other proceeding except such  
21 proceedings terminating parental rights as shall be had  
22 under either this Act, the Juvenile Court Act or the  
23 Juvenile Court Act of 1987.

24 (i) Depravity. Conviction of any one of the following  
25 crimes shall create a presumption that a parent is depraved  
26 which can be overcome only by clear and convincing

1 evidence: (1) first degree murder in violation of paragraph  
2 1 or 2 of subsection (a) of Section 9-1 of the Criminal  
3 Code of 1961 or the Criminal Code of 2012 or conviction of  
4 second degree murder in violation of subsection (a) of  
5 Section 9-2 of the Criminal Code of 1961 or the Criminal  
6 Code of 2012 of a parent of the child to be adopted; (2)  
7 first degree murder or second degree murder of any child in  
8 violation of the Criminal Code of 1961 or the Criminal Code  
9 of 2012; (3) attempt or conspiracy to commit first degree  
10 murder or second degree murder of any child in violation of  
11 the Criminal Code of 1961 or the Criminal Code of 2012; (4)  
12 solicitation to commit murder of any child, solicitation to  
13 commit murder of any child for hire, or solicitation to  
14 commit second degree murder of any child in violation of  
15 the Criminal Code of 1961 or the Criminal Code of 2012; (5)  
16 predatory criminal sexual assault of a child in violation  
17 of Section 11-1.40 or 12-14.1 of the Criminal Code of 1961  
18 or the Criminal Code of 2012; (6) heinous battery of any  
19 child in violation of the Criminal Code of 1961; or (7)  
20 aggravated battery of any child in violation of the  
21 Criminal Code of 1961 or the Criminal Code of 2012.

22 There is a rebuttable presumption that a parent is  
23 depraved if the parent has been criminally convicted of at  
24 least 3 felonies under the laws of this State or any other  
25 state, or under federal law, or the criminal laws of any  
26 United States territory; and at least one of these

1 convictions took place within 5 years of the filing of the  
2 petition or motion seeking termination of parental rights.

3 There is a rebuttable presumption that a parent is  
4 deprived if that parent has been criminally convicted of  
5 either first or second degree murder of any person as  
6 defined in the Criminal Code of 1961 or the Criminal Code  
7 of 2012 within 10 years of the filing date of the petition  
8 or motion to terminate parental rights.

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

13 (j) Open and notorious adultery or fornication.

14 (j-1) (Blank).

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

19 There is a rebuttable presumption that a parent is  
20 unfit under this subsection with respect to any child to  
21 which that parent gives birth where there is a confirmed  
22 test result that at birth the child's blood, urine, or  
23 meconium contained any amount of a controlled substance as  
24 defined in subsection (f) of Section 102 of the Illinois  
25 Controlled Substances Act or metabolites of such  
26 substances, the presence of which in the newborn infant was

1 not the result of medical treatment administered to the  
2 mother or the newborn infant; and the biological mother of  
3 this child is the biological mother of at least one other  
4 child who was adjudicated a neglected minor under  
5 subsection (c) of Section 2-3 of the Juvenile Court Act of  
6 1987.

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

10 (m) Failure by a parent (i) to make reasonable efforts  
11 to correct the conditions that were the basis for the  
12 removal of the child from the parent during any 9-month  
13 period following the adjudication of neglected or abused  
14 minor under Section 2-3 of the Juvenile Court Act of 1987  
15 or dependent minor under Section 2-4 of that Act, or (ii)  
16 to make reasonable progress toward the return of the child  
17 to the parent during any 9-month period following the  
18 adjudication of neglected or abused minor under Section 2-3  
19 of the Juvenile Court Act of 1987 or dependent minor under  
20 Section 2-4 of that Act. If a service plan has been  
21 established as required under Section 8.2 of the Abused and  
22 Neglected Child Reporting Act to correct the conditions  
23 that were the basis for the removal of the child from the  
24 parent and if those services were available, then, for  
25 purposes of this Act, "failure to make reasonable progress  
26 toward the return of the child to the parent" includes the



1 parent's failure to substantially fulfill his or her  
2 obligations under the service plan and correct the  
3 conditions that brought the child into care during any  
4 9-month period following the adjudication under Section  
5 2-3 or 2-4 of the Juvenile Court Act of 1987.  
6 Notwithstanding any other provision, when a petition or  
7 motion seeks to terminate parental rights on the basis of  
8 item (ii) of this subsection (m), the petitioner shall file  
9 with the court and serve on the parties a pleading that  
10 specifies the 9-month period or periods relied on. The  
11 pleading shall be filed and served on the parties no later  
12 than 3 weeks before the date set by the court for closure  
13 of discovery, and the allegations in the pleading shall be  
14 treated as incorporated into the petition or motion.  
15 Failure of a respondent to file a written denial of the  
16 allegations in the pleading shall not be treated as an  
17 admission that the allegations are true.

18 (m-1) Pursuant to the Juvenile Court Act of 1987, a  
19 child has been in foster care for 15 months out of any 22  
20 month period which begins on or after the effective date of  
21 this amendatory Act of 1998 unless the child's parent can  
22 prove by a preponderance of the evidence that it is more  
23 likely than not that it will be in the best interests of  
24 the child to be returned to the parent within 6 months of  
25 the date on which a petition for termination of parental  
26 rights is filed under the Juvenile Court Act of 1987. The

1 15 month time limit is tolled during any period for which  
2 there is a court finding that the appointed custodian or  
3 guardian failed to make reasonable efforts to reunify the  
4 child with his or her family, provided that (i) the finding  
5 of no reasonable efforts is made within 60 days of the  
6 period when reasonable efforts were not made or (ii) the  
7 parent filed a motion requesting a finding of no reasonable  
8 efforts within 60 days of the period when reasonable  
9 efforts were not made. For purposes of this subdivision  
10 (m-1), the date of entering foster care is the earlier of:  
11 (i) the date of a judicial finding at an adjudicatory  
12 hearing that the child is an abused, neglected, or  
13 dependent minor; or (ii) 60 days after the date on which  
14 the child is removed from his or her parent, guardian, or  
15 legal custodian.

16 (n) Evidence of intent to forgo his or her parental  
17 rights, whether or not the child is a ward of the court,  
18 (1) as manifested by his or her failure for a period of 12  
19 months: (i) to visit the child, (ii) to communicate with  
20 the child or agency, although able to do so and not  
21 prevented from doing so by an agency or by court order, or  
22 (iii) to maintain contact with or plan for the future of  
23 the child, although physically able to do so, or (2) as  
24 manifested by the father's failure, where he and the mother  
25 of the child were unmarried to each other at the time of  
26 the child's birth, (i) to commence legal proceedings to

1 establish his paternity under the Illinois Parentage Act of  
2 1984 or the law of the jurisdiction of the child's birth  
3 within 30 days of being informed, pursuant to Section 12a  
4 of this Act, that he is the father or the likely father of  
5 the child or, after being so informed where the child is  
6 not yet born, within 30 days of the child's birth, or (ii)  
7 to make a good faith effort to pay a reasonable amount of  
8 the expenses related to the birth of the child and to  
9 provide a reasonable amount for the financial support of  
10 the child, the court to consider in its determination all  
11 relevant circumstances, including the financial condition  
12 of both parents; provided that the ground for termination  
13 provided in this subparagraph (n)(2)(ii) shall only be  
14 available where the petition is brought by the mother or  
15 the husband of the mother.

16 Contact or communication by a parent with his or her  
17 child that does not demonstrate affection and concern does  
18 not constitute reasonable contact and planning under  
19 subdivision (n). In the absence of evidence to the  
20 contrary, the ability to visit, communicate, maintain  
21 contact, pay expenses and plan for the future shall be  
22 presumed. The subjective intent of the parent, whether  
23 expressed or otherwise, unsupported by evidence of the  
24 foregoing parental acts manifesting that intent, shall not  
25 preclude a determination that the parent has intended to  
26 forgo his or her parental rights. In making this

1 determination, the court may consider but shall not require  
2 a showing of diligent efforts by an authorized agency to  
3 encourage the parent to perform the acts specified in  
4 subdivision (n).

5 It shall be an affirmative defense to any allegation  
6 under paragraph (2) of this subsection that the father's  
7 failure was due to circumstances beyond his control or to  
8 impediments created by the mother or any other person  
9 having legal custody. Proof of that fact need only be by a  
10 preponderance of the evidence.

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

14 (p) Inability to discharge parental responsibilities  
15 supported by competent evidence from a psychiatrist,  
16 licensed clinical social worker, or clinical psychologist  
17 of mental impairment, mental illness or an intellectual  
18 disability as defined in Section 1-116 of the Mental Health  
19 and Developmental Disabilities Code, or developmental  
20 disability as defined in Section 1-106 of that Code, and  
21 there is sufficient justification to believe that the  
22 inability to discharge parental responsibilities shall  
23 extend beyond a reasonable time period. However, this  
24 subdivision (p) shall not be construed so as to permit a  
25 licensed clinical social worker to conduct any medical  
26 diagnosis to determine mental illness or mental

1           impairment.

2           (q) (Blank).

3           (r) The child is in the temporary custody or  
4 guardianship of the Department of Children and Family  
5 Services, the parent is incarcerated as a result of  
6 criminal conviction at the time the petition or motion for  
7 termination of parental rights is filed, prior to  
8 incarceration the parent had little or no contact with the  
9 child or provided little or no support for the child, and  
10 the parent's incarceration will prevent the parent from  
11 discharging his or her parental responsibilities for the  
12 child for a period in excess of 2 years after the filing of  
13 the petition or motion for termination of parental rights.

14           (s) The child is in the temporary custody or  
15 guardianship of the Department of Children and Family  
16 Services, the parent is incarcerated at the time the  
17 petition or motion for termination of parental rights is  
18 filed, the parent has been repeatedly incarcerated as a  
19 result of criminal convictions, and the parent's repeated  
20 incarceration has prevented the parent from discharging  
21 his or her parental responsibilities for the child.

22           (t) A finding that at birth the child's blood, urine,  
23 or meconium contained any amount of a controlled substance  
24 as defined in subsection (f) of Section 102 of the Illinois  
25 Controlled Substances Act, or a metabolite of a controlled  
26 substance, with the exception of controlled substances or

1 metabolites of such substances, the presence of which in  
2 the newborn infant was the result of medical treatment  
3 administered to the mother or the newborn infant, and that  
4 the biological mother of this child is the biological  
5 mother of at least one other child who was adjudicated a  
6 neglected minor under subsection (c) of Section 2-3 of the  
7 Juvenile Court Act of 1987, after which the biological  
8 mother had the opportunity to enroll in and participate in  
9 a clinically appropriate substance abuse counseling,  
10 treatment, and rehabilitation program.

11 E. "Parent" means a person who is the legal mother or legal  
12 father of the child as defined in subsection X or Y of this  
13 Section. For the purpose of this Act, a parent who has executed  
14 a consent to adoption, a surrender, or a waiver pursuant to  
15 Section 10 of this Act, who has signed a Denial of Paternity  
16 pursuant to Section 12 of the Vital Records Act or Section 12a  
17 of this Act, or whose parental rights have been terminated by a  
18 court, is not a parent of the child who was the subject of the  
19 consent, surrender, waiver, or denial unless (1) the consent is  
20 void pursuant to subsection O of Section 10 of this Act; or (2)  
21 the person executed a consent to adoption by a specified person  
22 or persons pursuant to subsection A-1 of Section 10 of this Act  
23 and a court of competent jurisdiction finds that the consent is  
24 void; or (3) the order terminating the parental rights of the  
25 person is vacated by a court of competent jurisdiction.

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

1 (a) a child who has been surrendered for adoption to an  
2 agency and to whose adoption the agency has thereafter  
3 consented;

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

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

10 (c-1) a child for whom a parent has signed a specific  
11 consent pursuant to subsection 0 of Section 10;

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

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

16 A person who would otherwise be available for adoption  
17 shall not be deemed unavailable for adoption solely by reason  
18 of his or her death.

19 G. The singular includes the plural and the plural includes  
20 the singular and the "male" includes the "female", as the  
21 context of this Act may require.

22 H. (Blank). ~~"Adoption disruption" occurs when an adoptive~~  
23 ~~placement does not prove successful and it becomes necessary~~  
24 ~~for the child to be removed from placement before the adoption~~  
25 ~~is finalized.~~

26 I. "Habitual residence" has the meaning ascribed to it in

1 the federal Intercountry Adoption Act of 2000 and regulations  
2 promulgated thereunder.

3 J. "Immediate relatives" means the biological parents, the  
4 parents of the biological parents and siblings of the  
5 biological parents.

6 K. "Intercountry adoption" is a process by which a child  
7 from a country other than the United States is adopted by  
8 persons who are habitual residents of the United States, or the  
9 child is a habitual resident of the United States who is  
10 adopted by persons who are habitual residents of a country  
11 other than the United States.

12 L. (Blank). ~~"Intercountry Adoption Coordinator" means a~~  
13 ~~staff person of the Department of Children and Family Services~~  
14 ~~appointed by the Director to coordinate the provision of~~  
15 ~~services related to an intercountry adoption.~~

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

21 N. (Blank).

22 O. "Preadoption requirements" means any conditions or  
23 standards established by the laws or administrative rules of  
24 this State that must be met by a prospective adoptive parent  
25 prior to the placement of a child in an adoptive home.

26 P. "Abused child" means a child whose parent or immediate



1 family member, or any person responsible for the child's  
2 welfare, or any individual residing in the same home as the  
3 child, or a paramour of the child's parent:

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

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

14 (c) commits or allows to be committed any sex offense  
15 against the child, as sex offenses are defined in the  
16 Criminal Code of 2012 and extending those definitions of  
17 sex offenses to include children under 18 years of age;

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

20 (e) inflicts excessive corporal punishment.

21 Q. "Neglected child" means any child whose parent or other  
22 person responsible for the child's welfare withholds or denies  
23 nourishment or medically indicated treatment including food or  
24 care denied solely on the basis of the present or anticipated  
25 mental or physical impairment as determined by a physician  
26 acting alone or in consultation with other physicians or

1 otherwise does not provide the proper or necessary support,  
2 education as required by law, or medical or other remedial care  
3 recognized under State law as necessary for a child's  
4 well-being, or other care necessary for his or her well-being,  
5 including adequate food, clothing and shelter; or who is  
6 abandoned by his or her parents or other person responsible for  
7 the child's welfare.

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

19 R. "Putative father" means a man who may be a child's  
20 father, but who (1) is not married to the child's mother on or  
21 before the date that the child was or is to be born and (2) has  
22 not established paternity of the child in a court proceeding  
23 before the filing of a petition for the adoption of the child.  
24 The term includes a male who is less than 18 years of age.  
25 "Putative father" does not mean a man who is the child's father  
26 as a result of criminal sexual abuse or assault as defined

1 under Article 11 of the Criminal Code of 2012.

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

7 T. (Blank).

8 T-5. "Biological parent", "birth parent", or "natural  
9 parent" of a child are interchangeable terms that mean a person  
10 who is biologically or genetically related to that child as a  
11 parent.

12 U. "Interstate adoption" means the placement of a minor  
13 child with a prospective adoptive parent for the purpose of  
14 pursuing an adoption for that child that is subject to the  
15 provisions of the Interstate Compact on Placement of Children.

16 V. (Blank). ~~"Endorsement letter" means the letter issued by~~  
17 ~~the Department of Children and Family Services to document that~~  
18 ~~a prospective adoptive parent has met preadoption requirements~~  
19 ~~and has been deemed suitable by the Department to adopt a child~~  
20 ~~who is the subject of an intercountry adoption.~~

21 W. (Blank). ~~"Denial letter" means the letter issued by the~~  
22 ~~Department of Children and Family Services to document that a~~  
23 ~~prospective adoptive parent has not met preadoption~~  
24 ~~requirements and has not been deemed suitable by the Department~~  
25 ~~to adopt a child who is the subject of an intercountry~~  
26 ~~adoption.~~

1 X. "Legal father" of a child means a man who is recognized  
2 as or presumed to be that child's father:

3 (1) because of his marriage to or civil union with the  
4 child's parent at the time of the child's birth or within  
5 300 days prior to that child's birth, unless he signed a  
6 denial of paternity pursuant to Section 12 of the Vital  
7 Records Act or a waiver pursuant to Section 10 of this Act;  
8 or

9 (2) because his paternity of the child has been  
10 established pursuant to the Illinois Parentage Act, the  
11 Illinois Parentage Act of 1984, or the Gestational  
12 Surrogacy Act; or

13 (3) because he is listed as the child's father or  
14 parent on the child's birth certificate, unless he is  
15 otherwise determined by an administrative or judicial  
16 proceeding not to be the parent of the child or unless he  
17 rescinds his acknowledgment of paternity pursuant to the  
18 Illinois Parentage Act of 1984; or

19 (4) because his paternity or adoption of the child has  
20 been established by a court of competent jurisdiction.

21 The definition in this subsection X shall not be construed  
22 to provide greater or lesser rights as to the number of parents  
23 who can be named on a final judgment order of adoption or  
24 Illinois birth certificate that otherwise exist under Illinois  
25 law.

26 Y. "Legal mother" of a child means a woman who is

1 recognized as or presumed to be that child's mother:

2 (1) because she gave birth to the child except as  
3 provided in the Gestational Surrogacy Act; or

4 (2) because her maternity of the child has been  
5 established pursuant to the Illinois Parentage Act of 1984  
6 or the Gestational Surrogacy Act; or

7 (3) because her maternity or adoption of the child has  
8 been established by a court of competent jurisdiction; or

9 (4) because of her marriage to or civil union with the  
10 child's other parent at the time of the child's birth or  
11 within 300 days prior to the time of birth; or

12 (5) because she is listed as the child's mother or  
13 parent on the child's birth certificate unless she is  
14 otherwise determined by an administrative or judicial  
15 proceeding not to be the parent of the child.

16 The definition in this subsection Y shall not be construed  
17 to provide greater or lesser rights as to the number of parents  
18 who can be named on a final judgment order of adoption or  
19 Illinois birth certificate that otherwise exist under Illinois  
20 law.

21 Z. "Department" means the Illinois Department of Children  
22 and Family Services.

23 AA. "Placement disruption" means a circumstance where the  
24 child is removed from an adoptive placement before the adoption  
25 is finalized.

26 BB. "Secondary placement" means a placement, including but

1 not limited to the placement of a ward of the Department, that  
2 occurs after a placement disruption or an adoption dissolution.  
3 "Secondary placement" does not mean secondary placements  
4 arising due to the death of the adoptive parent of the child.

5 CC. "Adoption dissolution" means a circumstance where the  
6 child is removed from an adoptive placement after the adoption  
7 is finalized.

8 DD. "Unregulated placement" means the secondary placement  
9 of a child that occurs without the oversight of the courts, the  
10 Department, or a licensed child welfare agency.

11 EE. "Post-placement and post-adoption support services"  
12 means support services for placed or adopted children and  
13 families that include, but are not limited to, counseling for  
14 emotional, behavioral, or developmental needs.

15 (Source: P.A. 97-227, eff. 1-1-12; 97-1109, eff. 1-1-13;  
16 97-1150, eff. 1-25-13; 98-455, eff. 1-1-14; 98-532, eff.  
17 1-1-14; 98-804, eff. 1-1-15.)

18 (750 ILCS 50/2) (from Ch. 40, par. 1502)

19 Sec. 2. Who may adopt a child.

20 A. Any of the following persons, who is under no legal  
21 disability (except the minority specified in sub-paragraph  
22 (b)) and who has resided in the State of Illinois continuously  
23 for a period of at least 6 months immediately preceding the  
24 commencement of an adoption proceeding, or any member of the  
25 armed forces of the United States who has been domiciled in the

1 State of Illinois for 90 days, may institute such proceeding:

2 (a) A reputable person of legal age and of either sex,  
3 provided that if such person is married or in a civil union  
4 and has not been living separate and apart from his or her  
5 spouse or civil union partner for 12 months or longer, his  
6 or her spouse or civil union partner shall be a party to  
7 the adoption proceeding, including a spouse or civil union  
8 partner ~~husband or wife~~ desiring to adopt a child of the  
9 other spouse or civil union partner, in all of which cases  
10 the adoption shall be by both spouses or civil union  
11 partners jointly;

12 (b) A minor, by leave of court upon good cause shown.

13 Notwithstanding sub-paragraph (a) of this subsection, a  
14 spouse or civil union partner is not required to join in a  
15 petition for adoption to re-adopt a child after an intercountry  
16 adoption if the spouse or civil union partner did not  
17 previously adopt the child as set forth in subsections (c) and  
18 (e) of Section 4.1 of this Act.

19 B. The residence requirement specified in paragraph A of  
20 this Section shall not apply to:

21 (a) an adoption of a related child or child previously  
22 adopted in a foreign country by the petitioner; or

23 (b) an adoption of a child placed by an agency.

24 (Source: P.A. 98-804, eff. 1-1-15.)

25 (750 ILCS 50/4.1) (from Ch. 40, par. 1506)

1           Sec. 4.1. Adoption between multiple jurisdictions.

2           (a) The Department of Children and Family Services shall  
3 promulgate rules regarding the approval and regulation of  
4 agencies providing, in this State, adoption services, as  
5 defined in Section 2.24 of the Child Care Act of 1969, which  
6 shall include, but not be limited to, a requirement that any  
7 agency shall be licensed in this State as a child welfare  
8 agency as defined in Section 2.08 of the Child Care Act of  
9 1969. Any out-of-state agency, if not licensed in this State as  
10 a child welfare agency, must obtain the approval of the  
11 Department in order to act as a sending agency, as defined in  
12 Section 1 of the Interstate Compact on Placement of Children  
13 Act, seeking to place a child into this State through a  
14 placement subject to the Interstate Compact on the Placement of  
15 Children. An out-of-state agency, if not licensed in this State  
16 as a child welfare agency, is prohibited from providing in this  
17 State adoption services, as defined by Section 2.24 of the  
18 Child Care Act of 1969; shall comply with Section 12C-70 of the  
19 Criminal Code of 2012; and shall provide all of the following  
20 to the Department:

21           (1) A copy of the agency's current license or other  
22 form of authorization from the approving authority in the  
23 agency's state. If no license or authorization is issued,  
24 the agency must provide a reference statement, from the  
25 approving authority, stating that the agency is authorized  
26 to place children in foster care or adoption or both in its



1 jurisdiction.

2 (2) A description of the program, including home  
3 studies, placements, and supervisions, that the child  
4 placing agency conducts within its geographical area, and,  
5 if applicable, adoptive placements and the finalization of  
6 adoptions. The child placing agency must accept continued  
7 responsibility for placement planning and replacement if  
8 the placement fails.

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

11 (4) Any other information the Department may require.

12 The rules shall also provide that any agency that places  
13 children for adoption in this State may not, in any policy or  
14 practice relating to the placement of children for adoption,  
15 discriminate against any child or prospective adoptive parent  
16 on the basis of race.

17 (a-5) (Blank).

18 (b) Interstate Adoptions.

19 (1) All interstate adoption placements under this Act  
20 shall comply with the Child Care Act of 1969 and the  
21 Interstate Compact on the Placement of Children. The  
22 placement of children with relatives by the Department of  
23 Children and Family Services shall also comply with  
24 subsection (b) of Section 7 of the Children and Family  
25 Services Act.

26 (2) If an adoption is finalized prior to bringing or

1 sending a child to this State, compliance with the  
2 Interstate Compact on the Placement of Children is not  
3 required.

4 (c) Intercountry Adoptions. ~~(1)~~ The adoption of a child, if  
5 the child is a habitual resident of a country other than the  
6 United States and the petitioner is a habitual resident of the  
7 United States, or, if the child is a habitual resident of the  
8 United States and the petitioner is a habitual resident of a  
9 country other than the United States, shall comply with the  
10 Intercountry Adoption Act of 2000, as amended, and the  
11 Immigration and Nationality Act, as amended. In the case of an  
12 intercountry adoption that requires oversight by the adoption  
13 services governed by the Intercountry Adoption Universal  
14 Accreditation Act of 2012, this State shall not impose any  
15 additional preadoption requirements.

16 ~~(2) The Department of Children and Family Services~~  
17 ~~shall maintain the office of Intercountry Adoption~~  
18 ~~Coordinator in order to maintain and protect the rights of~~  
19 ~~prospective adoptive parents and children participating in~~  
20 ~~an intercountry adoption and shall develop ongoing~~  
21 ~~programs of support and services to such prospective~~  
22 ~~adoptive parents and children.~~

23 ~~(3) In the case of an intercountry adoption of a child~~  
24 ~~by an Illinois resident, the Department shall promulgate~~  
25 ~~rules concerning preadoption requirements, which shall~~  
26 ~~include, but not be limited to, requirements relating to~~

1 ~~home studies conducted by licensed child welfare agencies~~  
2 ~~and requirements relating to supporting documentation~~  
3 ~~concerning the prospective adoptive parent's suitability~~  
4 ~~to adopt a child.~~

5 ~~(4) The Intercountry Adoption Coordinator shall~~  
6 ~~determine whether all preadoption requirements have been~~  
7 ~~met by a prospective adoptive parent. The Intercountry~~  
8 ~~Adoption Coordinator shall also determine whether the~~  
9 ~~prospective adoptive parent is suitable as the adoptive~~  
10 ~~parent. In determining suitability to adopt, the~~  
11 ~~Intercountry Adoption coordinator shall give considerable~~  
12 ~~weight to the home study, but is not bound by it. Even if~~  
13 ~~the home study is favorable, the Intercountry Adoption~~  
14 ~~Coordinator must issue a denial letter if, on the basis of~~  
15 ~~all the information provided, the Intercountry Adoption~~  
16 ~~Coordinator finds, for a specific and articulable reason,~~  
17 ~~that the prospective adoptive parent has failed to~~  
18 ~~establish that he or she is suitable as the adoptive~~  
19 ~~parent.~~

20 ~~(5) The Intercountry Adoption Coordinator shall issue~~  
21 ~~an endorsement letter, indicating that all preadoption~~  
22 ~~requirements have been met, or a denial letter, indicating~~  
23 ~~the specific preadoption requirements that have not been~~  
24 ~~met, no later than 21 days from receipt of the home study~~  
25 ~~from the child welfare agency. If, upon receipt of the home~~  
26 ~~study, the Intercountry Adoption Coordinator determines~~

1 ~~that more information is required before any determination~~  
2 ~~can be made with respect to compliance with the preadoption~~  
3 ~~requirements, the Intercountry Adoption Coordinator shall,~~  
4 ~~within 7 days of receipt of the home study, provide notice~~  
5 ~~describing the additional information, via facsimile or~~  
6 ~~through electronic communication, to the licensed child~~  
7 ~~welfare agency and the adoptive parent. Within 21 days of~~  
8 ~~receipt of the additional information, the Intercountry~~  
9 ~~Adoption Coordinator shall provide the child welfare~~  
10 ~~agency with an endorsement letter or a denial letter. The~~  
11 ~~Intercountry Adoption Coordinator shall mail a copy of the~~  
12 ~~endorsement letter or denial letter to the prospective~~  
13 ~~adoptive parent at the same time that the Intercountry~~  
14 ~~Adoption Coordinator provides the letter to the child~~  
15 ~~welfare agency.~~

16 ~~(6) If the Intercountry Adoption Coordinator issues a~~  
17 ~~denial letter, a prospective adoptive parent shall have the~~  
18 ~~right to a review. The Intercountry Adoption Coordinator~~  
19 ~~shall include in its denial letter notification advising~~  
20 ~~the prospective adoptive parent of the right to seek a~~  
21 ~~review, by the Director of the Department, of the~~  
22 ~~determination, if requested in writing within 30 days of~~  
23 ~~receipt of the denial letter. Failure to submit such a~~  
24 ~~request within 30 days waives the prospective parent's~~  
25 ~~right to a review.~~

26 ~~(i) The review by the Director shall include, but~~

1 ~~is not limited to, a review of documentation submitted~~  
2 ~~by the prospective adoptive parent and, if requested by~~  
3 ~~the prospective adoptive parent, a telephone~~  
4 ~~conference or a mutually convenient in-person meeting~~  
5 ~~with the Director, or the Director's designated~~  
6 ~~representative, to allow the prospective adoptive~~  
7 ~~parent to present the facts and circumstances~~  
8 ~~supporting the request for the endorsement letter.~~

9 ~~(ii) The Director shall issue a decision within 30~~  
10 ~~days of receipt of the request for review.~~

11 ~~(iii) If the Director concurs with the original~~  
12 ~~denial letter of the Intercountry Adoption~~  
13 ~~Coordinator, the Director's decision shall be~~  
14 ~~considered a final decision and the prospective~~  
15 ~~adoptive parent shall have all rights and remedies to~~  
16 ~~which he or she is entitled under applicable law,~~  
17 ~~including a mandamus action under Article XIV of the~~  
18 ~~Code of Civil Procedure and an action under the federal~~  
19 ~~Civil Rights Act, 42 U.S.C. 1983.~~

20 ~~(7) In the case of an intercountry adoption finalized~~  
21 ~~in another country, where a complete and valid Order of~~  
22 ~~Adoption is issued from that country to an Illinois~~  
23 ~~resident, as determined by the United States Department of~~  
24 ~~State, this State shall not impose any additional~~  
25 ~~preadoption requirements.~~

26 ~~(8) The Department of Children and Family Services~~

1 ~~shall provide a report to the General Assembly, on an~~  
2 ~~annual basis for the preceding year, beginning on September~~  
3 ~~1 of each year after the effective date of this amendatory~~  
4 ~~Act of the 98th General Assembly. The report shall provide~~  
5 ~~non-identifying statistical data on the endorsement and~~  
6 ~~denial letters and the requests for review of denial~~  
7 ~~letters and shall contain, but not limited to, the~~  
8 ~~following:~~

9 ~~(i) the number of endorsement letters issued by the~~  
10 ~~Intercountry Adoption Coordinator;~~

11 ~~(ii) the number of denial letters issued by the~~  
12 ~~Intercountry Adoption Coordinator;~~

13 ~~(iii) the number of requests for review of denial~~  
14 ~~letters;~~

15 ~~(iv) the number of denial letter reviews which~~  
16 ~~resulted in a reversal by the Director and an~~  
17 ~~endorsement letter being issued; and~~

18 ~~(v) the basis of each denial letter and the basis~~  
19 ~~of each reversal of the denial letter in a particular~~  
20 ~~case.~~

21 (d) (Blank).

22 (e) Re-adoption after an intercountry adoption.

23 (1) Any time after a minor child has been adopted in a  
24 foreign country and has immigrated to the United States,  
25 the adoptive parent or parents of the child may petition  
26 the court for a judgment of adoption to re-adopt the child

1 and confirm the foreign adoption decree.

2 (2) The petitioner must submit to the court one or more  
3 of the following to verify the foreign adoption:

4 (i) an immigrant visa for the child issued by  
5 United States Citizenship and Immigration Services of  
6 the U.S. Department of Homeland Security that was valid  
7 at the time of the child's immigration;

8 (ii) a decree, judgment, certificate of adoption,  
9 adoption registration, or equivalent court order,  
10 entered or issued by a court of competent jurisdiction  
11 or administrative body outside the United States,  
12 establishing the relationship of parent and child by  
13 adoption; or

14 (iii) such other evidence deemed satisfactory by  
15 the court.

16 (3) The child's immigrant visa shall be prima facie  
17 proof that the adoption was established in accordance with  
18 the laws of the foreign jurisdiction and met United States  
19 requirements for immigration.

20 (4) If the petitioner submits documentation that  
21 satisfies the requirements of paragraph (2), the court  
22 shall not appoint a guardian ad litem for the minor who is  
23 the subject of the proceeding, shall not require any  
24 further termination of parental rights of the child's  
25 biological parents, nor shall it require any home study,  
26 investigation, post-placement visit, or background check

1       of the petitioner.

2       (5) The petition may include a request for change of  
3       the child's name and any other request for specific relief  
4       that is in the best interests of the child. The relief may  
5       include a request for a revised birth date for the child if  
6       supported by evidence from a medical or dental professional  
7       attesting to the appropriate age of the child or other  
8       collateral evidence.

9       (6) Two adoptive parents who adopted a minor child  
10      together in a foreign country while married to one another  
11      may file a petition for adoption to re-adopt the child  
12      jointly, regardless of whether their marriage has been  
13      dissolved. If either parent whose marriage was dissolved  
14      has subsequently remarried or entered into a civil union  
15      with another person, the new spouse or civil union partner  
16      shall not join in the petition to re-adopt the child,  
17      unless the new spouse or civil union partner is seeking to  
18      adopt the child. If either adoptive parent does not join in  
19      the petition, he or she must be joined as a party  
20      defendant. The defendant parent's failure to participate  
21      in the re-adoption proceeding shall not affect the existing  
22      parental rights or obligations of the parent as they relate  
23      to the minor child, and the parent's name shall be placed  
24      on any subsequent birth record issued for the child as a  
25      result of the re-adoption proceeding.

26      (7) An adoptive parent who adopted a minor child in a



1       foreign country as an unmarried person may file a petition  
2       for adoption to re-adopt the child as a sole petitioner,  
3       even if the adoptive parent has subsequently married or  
4       entered into a civil union.

5           (8) If one of the adoptive parents who adopted a minor  
6       child dies prior to a re-adoption proceeding, the deceased  
7       parent's name shall be placed on any subsequent birth  
8       record issued for the child as a result of the re-adoption  
9       proceeding.

10       (Source: P.A. 98-455, eff. 1-1-14.)

11           (750 ILCS 50/5) (from Ch. 40, par. 1507)

12           Sec. 5. Petition, contents, verification, filing.

13           A. A proceeding to adopt a child, other than a related  
14 child, shall be commenced by the filing of a petition within 30  
15 days after such child has become available for adoption,  
16 provided that such petition may be filed at a later date by  
17 leave of court upon a showing that the failure to file such  
18 petition within such 30 day period was not due to the  
19 petitioners' culpable negligence or their wilful disregard of  
20 the provisions of this Section. In the case of a child born  
21 outside the United States or a territory thereof, if the  
22 prospective adoptive parents of such child have been appointed  
23 guardians of such child by a court of competent jurisdiction in  
24 a country other than the United States or a territory thereof,  
25 such parents shall file a petition as provided in this Section

1 within 30 days after entry of the child into the United States.  
2 A petition to adopt an adult or a related child may be filed at  
3 any time. A petition for adoption may include more than one  
4 person sought to be adopted.

5 B. A petition to adopt a child other than a related child  
6 shall state:

7 (a) The full names of the petitioners and, if minors,  
8 their respective ages;

9 (b) The place of residence of the petitioners and the  
10 length of residence of each in the State of Illinois  
11 immediately preceding the filing of the petition;

12 (c) When the petitioners acquired, or intend to  
13 acquire, custody of the child, and the name and address of  
14 the persons or agency from whom the child was or will be  
15 received;

16 (d) The name, the place and date of birth if known, and  
17 the sex of the child sought to be adopted;

18 (e) The relationship, if any, of the child to each  
19 petitioner;

20 (f) The names, if known, and the place of residence, if  
21 known, of the parents; and whether such parents are minors,  
22 or otherwise under any legal disability. The names and  
23 addresses of the parents shall be omitted and they shall  
24 not be made parties defendant to the petition if (1) the  
25 rights of the parents have been terminated by a court of  
26 competent jurisdiction, or (2) the child has been

1 surrendered to an agency, or (3) the parent or parents have  
2 been served with the notice provided in Section 12a of this  
3 Act and said parent or parents have filed a disclaimer of  
4 paternity as therein provided or have failed to file such  
5 declaration of paternity or a request for notice as  
6 provided in said Section, or (4) the parent is a putative  
7 father or legal father of the child who has waived his  
8 parental rights by signing a waiver as provided in  
9 subsection S of Section 10;

10 (g) If it is alleged that the child has no living  
11 parent, then the name of the guardian, if any, of such  
12 child and the court which appointed such guardian;

13 (h) If it is alleged that the child has no living  
14 parent and that no guardian of such child is known to  
15 petitioners, then the name of a near relative, if known,  
16 shall be set forth, or an allegation that no near relative  
17 is known and on due inquiry cannot be ascertained by  
18 petitioners;

19 (i) The name to be given the child or adult;

20 (j) That the person or agency, having authority to  
21 consent under Section 8 of this Act, has consented, or has  
22 indicated willingness to consent, to the adoption of the  
23 child by the petitioners, or that the person having  
24 authority to consent is an unfit person and the ground  
25 therefor, or that no consent is required under paragraph  
26 (f) of Section 8 of this Act;

1           (k) Whatever orders, judgments or decrees have  
2 heretofore been entered by any court affecting (1) adoption  
3 or custody of the child, or (2) the adoptive, custodial or  
4 parental rights of either petitioner, including the prior  
5 denial of any petition for adoption pertaining to such  
6 child, or to the petitioners, or either of them.

7           C. A petition to adopt a related child shall include the  
8 information specified in sub-paragraphs (a), (b), (d), (e),  
9 (f), (i) and (k) of paragraph B and a petition to adopt an  
10 adult shall contain the information required by sub-paragraphs  
11 (a), (b) and (i) of paragraph B in addition to the name, place,  
12 date of birth and sex of such adult.

13           D. The petition shall be verified by the petitioners.

14           E. Upon the filing of the petition the petitioners shall  
15 furnish the Clerk of the Court in which the petition is pending  
16 such information not contained in such petition as shall be  
17 necessary to enable the Clerk of such Court to complete a  
18 certificate of adoption as hereinafter provided.

19           F. A petition for standby adoption shall conform to the  
20 requirements of this Act with respect to petition contents,  
21 verification, and filing. The petition for standby adoption  
22 shall also state the facts concerning the consent of the  
23 child's parent to the standby adoption. A petition for standby  
24 adoption shall include the information in paragraph B if the  
25 petitioner seeks to adopt a child other than a related child. A  
26 petition for standby adoption shall include the information in

1 paragraph C if the petitioner seeks to adopt a related child or  
2 adult.

3 G. A petition for adoption to re-adopt a child after an  
4 intercountry adoption shall include the information specified  
5 in sub-paragraphs (a), (b), (c), (d), (e), (i) and (k) of  
6 paragraph B.

7 (Source: P.A. 97-493, eff. 8-22-11.)

8 (750 ILCS 50/13) (from Ch. 40, par. 1516)

9 Sec. 13. Interim order. As soon as practicable after the  
10 filing of a petition for adoption the court shall hold a  
11 hearing for the following purposes:

12 A. In other than an adoption of a related child or an  
13 adoption through an agency, or of an adult:

14 (a) To determine the validity of the consent, provided  
15 that the execution of a consent pursuant to this Act shall  
16 be prima facie evidence of its validity, and provided that  
17 the validity of a consent shall not be affected by the  
18 omission therefrom of the names of the petitioners or  
19 adopting parents at the time the consent is executed or  
20 acknowledged, and further provided that the execution of a  
21 consent prior to the filing of a petition for adoption  
22 shall not affect its validity.

23 (b) To determine whether there is available suitable  
24 temporary custodial care for a child sought to be adopted.

25 B. In all cases except standby adoptions and re-adoptions:

1           (a) The court shall appoint some licensed attorney  
2 other than the State's attorney acting in his or her  
3 official capacity as guardian ad litem to represent a child  
4 sought to be adopted. Such guardian ad litem shall have  
5 power to consent to the adoption of the child, if such  
6 consent is required.

7           (b) The court shall appoint a guardian ad litem for all  
8 named minors or defendants who are persons under legal  
9 disability, if any.

10           (c) If the petition alleges a person to be unfit  
11 pursuant to the provisions of subparagraph (p) of paragraph  
12 D of Section 1 of this Act, such person shall be  
13 represented by counsel. If such person is indigent or an  
14 appearance has not been entered on his behalf at the time  
15 the matter is set for hearing, the court shall appoint as  
16 counsel for him either the Guardianship and Advocacy  
17 Commission, the public defender, or, only if no attorney  
18 from the Guardianship and Advocacy Commission or the public  
19 defender is available, an attorney licensed to practice law  
20 in this State.

21           (d) If it is proved to the satisfaction of the court,  
22 after such investigation as the court deems necessary, that  
23 termination of parental rights and temporary commitment of  
24 the child to an agency or to a person deemed competent by  
25 the court, including petitioners, will be for the welfare  
26 of the child, the court may order the child to be so

1 committed and may terminate the parental rights of the  
2 parents and declare the child a ward of the court or, if it  
3 is not so proved, the court may enter such other order as  
4 it shall deem necessary and advisable.

5 (e) Before an interim custody order is granted under  
6 this Section, service of summons shall be had upon the  
7 parent or parents whose rights have not been terminated,  
8 except as provided in subsection (f). Reasonable notice and  
9 opportunity to be heard shall be given to the parent or  
10 parents after service of summons when the address of the  
11 parent or parents is available. The party seeking an  
12 interim custody order shall make all reasonable efforts to  
13 locate the parent or parents of the child or children they  
14 are seeking to adopt and to notify the parent or parents of  
15 the party's request for an interim custody order pursuant  
16 to this Section.

17 (f) An interim custody order may be granted without  
18 notice upon presentation to the court of a written  
19 petition, accompanied by an affidavit, stating that there  
20 is an immediate danger to the child and that irreparable  
21 harm will result to the child if notice is given to the  
22 parent or parents or legal guardian. Upon making a finding  
23 that there is an immediate danger to the child if service  
24 of process is had upon and notice of hearing is given to  
25 the parent or parents or legal guardian prior to the entry  
26 of an order granting temporary custody to someone other

1 than a parent or legal guardian, the court may enter an  
2 order of temporary custody which shall expire not more than  
3 10 days after its entry. Every ex parte custody order  
4 granted without notice shall state the injury which the  
5 court sought to avoid by granting the order, the  
6 irreparable injury that would have occurred had notice been  
7 given, and the reason the order was granted without notice.  
8 The matter shall be set down for full hearing before the  
9 expiration of the ex parte order and will be heard after  
10 service of summons is had upon and notice of hearing is  
11 given to the parent or parents or legal guardian. At the  
12 hearing the burden of proof shall be upon the party seeking  
13 to extend the interim custody order to show that the order  
14 was properly granted without notice and that custody should  
15 remain with the party seeking to adopt during the pendency  
16 of the adoption proceeding. If the interim custody order is  
17 extended, the reasons for granting the extension shall be  
18 stated in the order.

19 C. In the case of a child born outside the United States or  
20 a territory thereof, if the petitioners have previously been  
21 appointed guardians of such child by a court of competent  
22 jurisdiction in a country other than the United States or a  
23 territory thereof, the court may order that the petitioners  
24 continue as guardians of such child.

25 D. In standby adoption cases:

26 (a) The court shall appoint a licensed attorney other



1 than the State's Attorney acting in his or her official  
2 capacity as guardian ad litem to represent a child sought  
3 to be adopted. The guardian ad litem shall have power to  
4 consent to the adoption of the child, if consent is  
5 required.

6 (b) The court shall appoint a guardian ad litem for all  
7 named minors or defendants who are persons under legal  
8 disability, if any.

9 (c) The court lacks jurisdiction to proceed on the  
10 petition for standby adoption if the child has a living  
11 parent, adoptive parent, or adjudicated parent whose  
12 rights have not been terminated and whose whereabouts are  
13 known, unless the parent consents to the standby adoption  
14 or, after receiving notice of the hearing on the standby  
15 adoption petition, fails to object to the appointment of a  
16 standby adoptive parent at the hearing on the petition.

17 (d) The court shall investigate as needed for the  
18 welfare of the child and shall determine whether the  
19 petitioner or petitioners shall be permitted to adopt.

20 (Source: P.A. 90-14, eff. 7-1-97; 90-349, eff. 1-1-98; 91-572,  
21 eff. 1-1-00.)

22 (750 ILCS 50/18.9 new)

23 Sec. 18.9. Post-placement and post-adoption support  
24 services.

25 (a) It is the public policy of this State to find

1 permanency for children through adoption and to prevent  
2 placement disruption, adoption dissolution, and secondary  
3 placement. Access to post-placement and post-adoption support  
4 services to provide support and resources for wards of the  
5 State, foster families, and adoptive families is essential to  
6 promote permanency. Public awareness of post-placement and  
7 post-adoption services and the ability of families to utilize  
8 effective services are essential to permanency.

9 (b) The Department shall establish and maintain  
10 post-placement and post-adoption support services.

11 (c) The Department shall post information about the  
12 Department's post-placement and post-adoption support services  
13 on the Department's website and shall provide the information  
14 to every licensed child welfare agency, every out of State  
15 placement agency or entity approved under Section 4.1 of this  
16 Act, and any entity providing adoption support services in the  
17 Illinois courts. The Department's post-placement and  
18 post-adoption support services shall be referenced in  
19 information regarding adoptive parents' rights and  
20 responsibilities that the Department publishes and provides to  
21 adoptive parents under this Act. The Department shall establish  
22 and maintain a toll-free number to advise the public about its  
23 post-placement and post-adoption support services and post the  
24 number on its website.

25 (d) Every licensed child welfare agency, every entity  
26 approved under Section 4.1 of this Act, and any entity

1 providing adoption support services in the Illinois courts  
2 shall provide the Department's website address and link to the  
3 Department's post-placement and post-adoption services  
4 information set forth in subsection (c) of this Section,  
5 including the Department's toll-free number, to every adoptive  
6 parent with whom they work in Illinois. This information shall  
7 be provided prior to placement.

8 (e) Beginning one year after the effective date of this  
9 amendatory Act of the 99th General Assembly, the Department  
10 shall report annually to the General Assembly on January 15 the  
11 following information for the preceding year:

12 (1) a description of all post-placement and  
13 post-adoption support services the Department provides;

14 (2) without identifying the names of the recipients of  
15 the services, the number of foster parents, prospective  
16 adoptive parents, and adoptive families in Illinois who  
17 have received the Department's post-placement and  
18 post-adoption support services and the type of services  
19 provided;

20 (3) the number of families who have contacted the  
21 Department about its post-placement and post-adoption  
22 services due to a potential placement disruption, adoption  
23 dissolution, secondary placement, or unregulated  
24 placement, but for whom the Department declined to provide  
25 post-placement and post-adoption support services and the  
26 reasons that services were denied; and

1           (4) the number of placement disruptions, adoption  
2           dissolutions, unregulated placements, and secondary  
3           placements, and for each one:

4           (A) the type of placement or adoption, including  
5           whether the child who was the subject of the placement  
6           was a ward of the Department, and if the child was not  
7           a ward, whether the adoption was a private, agency,  
8           agency-assisted, interstate, or intercountry adoption;

9           (B) if the placement or adoption was intercountry,  
10           the country of birth of the child;

11           (C) whether the child who was the subject of the  
12           placement disruption, adoption dissolution,  
13           unregulated placement, or secondary placement entered  
14           State custody;

15           (D) the length of the placement prior to the  
16           placement disruption, adoption dissolution,  
17           unregulated placement, or secondary placement;

18           (E) the age of the child at the time of the  
19           placement disruption, adoption dissolution,  
20           unregulated placement, or secondary placement;

21           (F) the reason, if known, for the placement  
22           disruption, adoption dissolution, unregulated  
23           placement, or secondary placement; and

24           (G) if a licensed child welfare agency or any  
25           approved out of State placing entity participated in  
26           the initial placement, and, if applicable, the name of

1           the agency or approved out of State placing entity.

2           Section 99. Effective date. This Act takes effect upon  
3           becoming law.