



Rep. Keith P. Sommer

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LRB099 08115 HEP 32901 a

1 AMENDMENT TO HOUSE BILL 3079

2 AMENDMENT NO. _____. Amend House Bill 3079 by replacing
3 everything after the enacting clause with the following:

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

1 adoptive parent of the child.

2 (225 ILCS 10/2.32 new)

3 Sec. 2.32. Adoption dissolution. "Adoption dissolution"
4 means a circumstance where the child is removed from an
5 adoptive placement after the adoption is finalized.

6 (225 ILCS 10/2.33 new)

7 Sec. 2.33. Unregulated placement. "Unregulated placement"
8 means the secondary placement of a child that occurs without
9 the oversight of the courts, the Department, or a licensed
10 child welfare agency.

11 (225 ILCS 10/2.34 new)

12 Sec. 2.34. Post-placement and post-adoption support
13 services. "Post-placement and post-adoption support services"
14 means support services for placed or adopted children and
15 families that include, but are not limited to, counseling for
16 emotional, behavioral, or developmental needs.

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

20 (750 ILCS 50/1) (from Ch. 40, par. 1501)

21 Sec. 1. Definitions. When used in this Act, unless the

1 context otherwise requires:

2 A. "Child" means a person under legal age subject to
3 adoption under this Act.

4 B. "Related child" means a child subject to adoption where
5 either or both of the adopting parents stands in any of the
6 following relationships to the child by blood, marriage,
7 adoption, or civil union: parent, grand-parent,
8 great-grandparent, brother, sister, step-parent,
9 step-grandparent, step-brother, step-sister, uncle, aunt,
10 great-uncle, great-aunt, first cousin, or second cousin. A
11 person is related to the child as a first cousin or second
12 cousin if they are both related to the same ancestor as either
13 grandchild or great-grandchild. A child whose parent has
14 executed a consent to adoption, a surrender, or a waiver
15 pursuant to Section 10 of this Act or whose parent has signed a
16 denial of paternity pursuant to Section 12 of the Vital Records
17 Act or Section 12a of this Act, or whose parent has had his or
18 her parental rights terminated, is not a related child to that
19 person, unless (1) the consent is determined to be void or is
20 void pursuant to subsection O of Section 10 of this Act; or (2)
21 the parent of the child executed a consent to adoption by a
22 specified person or persons pursuant to subsection A-1 of
23 Section 10 of this Act and a court of competent jurisdiction
24 finds that such consent is void; or (3) the order terminating
25 the parental rights of the parent is vacated by a court of
26 competent jurisdiction.

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

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

10 (a) Abandonment of the child.

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

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

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

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

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

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

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

26 (f) There is a rebuttable presumption, which can be

1 overcome only by clear and convincing evidence, that a
2 parent is unfit if:

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

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

13 (3) There is a finding of physical child abuse
14 resulting from the death of any child under Section
15 2-21 of the Juvenile Court Act of 1987.

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

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

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

1 sought to be adopted in any other proceeding except such
2 proceedings terminating parental rights as shall be had
3 under either this Act, the Juvenile Court Act or the
4 Juvenile Court Act of 1987.

5 (i) Depravity. Conviction of any one of the following
6 crimes shall create a presumption that a parent is deprived
7 which can be overcome only by clear and convincing
8 evidence: (1) first degree murder in violation of paragraph
9 1 or 2 of subsection (a) of Section 9-1 of the Criminal
10 Code of 1961 or the Criminal Code of 2012 or conviction of
11 second degree murder in violation of subsection (a) of
12 Section 9-2 of the Criminal Code of 1961 or the Criminal
13 Code of 2012 of a parent of the child to be adopted; (2)
14 first degree murder or second degree murder of any child in
15 violation of the Criminal Code of 1961 or the Criminal Code
16 of 2012; (3) attempt or conspiracy to commit first degree
17 murder or second degree murder of any child in violation of
18 the Criminal Code of 1961 or the Criminal Code of 2012; (4)
19 solicitation to commit murder of any child, solicitation to
20 commit murder of any child for hire, or solicitation to
21 commit second degree murder of any child in violation of
22 the Criminal Code of 1961 or the Criminal Code of 2012; (5)
23 predatory criminal sexual assault of a child in violation
24 of Section 11-1.40 or 12-14.1 of the Criminal Code of 1961
25 or the Criminal Code of 2012; (6) heinous battery of any
26 child in violation of the Criminal Code of 1961; or (7)

1 aggravated battery of any child in violation of the
2 Criminal Code of 1961 or the Criminal Code of 2012.

3 There is a rebuttable presumption that a parent is
4 deprived if the parent has been criminally convicted of at
5 least 3 felonies under the laws of this State or any other
6 state, or under federal law, or the criminal laws of any
7 United States territory; and at least one of these
8 convictions took place within 5 years of the filing of the
9 petition or motion seeking termination of parental rights.

10 There is a rebuttable presumption that a parent is
11 deprived if that parent has been criminally convicted of
12 either first or second degree murder of any person as
13 defined in the Criminal Code of 1961 or the Criminal Code
14 of 2012 within 10 years of the filing date of the petition
15 or motion to terminate parental rights.

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

20 (j) Open and notorious adultery or fornication.

21 (j-1) (Blank).

22 (k) Habitual drunkenness or addiction to drugs, other
23 than those prescribed by a physician, for at least one year
24 immediately prior to the commencement of the unfitness
25 proceeding.

26 There is a rebuttable presumption that a parent is

1 unfit under this subsection with respect to any child to
2 which that parent gives birth where there is a confirmed
3 test result that at birth the child's blood, urine, or
4 meconium contained any amount of a controlled substance as
5 defined in subsection (f) of Section 102 of the Illinois
6 Controlled Substances Act or metabolites of such
7 substances, the presence of which in the newborn infant was
8 not the result of medical treatment administered to the
9 mother or the newborn infant; and the biological mother of
10 this child is the biological mother of at least one other
11 child who was adjudicated a neglected minor under
12 subsection (c) of Section 2-3 of the Juvenile Court Act of
13 1987.

14 (1) Failure to demonstrate a reasonable degree of
15 interest, concern or responsibility as to the welfare of a
16 new born child during the first 30 days after its birth.

17 (m) Failure by a parent (i) to make reasonable efforts
18 to correct the conditions that were the basis for the
19 removal of the child from the parent during any 9-month
20 period following the adjudication of neglected or abused
21 minor under Section 2-3 of the Juvenile Court Act of 1987
22 or dependent minor under Section 2-4 of that Act, or (ii)
23 to make reasonable progress toward the return of the child
24 to the parent during any 9-month period following the
25 adjudication of neglected or abused minor under Section 2-3
26 of the Juvenile Court Act of 1987 or dependent minor under

1 Section 2-4 of that Act. If a service plan has been
2 established as required under Section 8.2 of the Abused and
3 Neglected Child Reporting Act to correct the conditions
4 that were the basis for the removal of the child from the
5 parent and if those services were available, then, for
6 purposes of this Act, "failure to make reasonable progress
7 toward the return of the child to the parent" includes the
8 parent's failure to substantially fulfill his or her
9 obligations under the service plan and correct the
10 conditions that brought the child into care during any
11 9-month period following the adjudication under Section
12 2-3 or 2-4 of the Juvenile Court Act of 1987.
13 Notwithstanding any other provision, when a petition or
14 motion seeks to terminate parental rights on the basis of
15 item (ii) of this subsection (m), the petitioner shall file
16 with the court and serve on the parties a pleading that
17 specifies the 9-month period or periods relied on. The
18 pleading shall be filed and served on the parties no later
19 than 3 weeks before the date set by the court for closure
20 of discovery, and the allegations in the pleading shall be
21 treated as incorporated into the petition or motion.
22 Failure of a respondent to file a written denial of the
23 allegations in the pleading shall not be treated as an
24 admission that the allegations are true.

25 (m-1) Pursuant to the Juvenile Court Act of 1987, a
26 child has been in foster care for 15 months out of any 22

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

23 (n) Evidence of intent to forgo his or her parental
24 rights, whether or not the child is a ward of the court,
25 (1) as manifested by his or her failure for a period of 12
26 months: (i) to visit the child, (ii) to communicate with

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

23 Contact or communication by a parent with his or her
24 child that does not demonstrate affection and concern does
25 not constitute reasonable contact and planning under
26 subdivision (n). In the absence of evidence to the

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

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

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

21 (p) Inability to discharge parental responsibilities
22 supported by competent evidence from a psychiatrist,
23 licensed clinical social worker, or clinical psychologist
24 of mental impairment, mental illness or an intellectual
25 disability as defined in Section 1-116 of the Mental Health
26 and Developmental Disabilities Code, or developmental

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

9 (q) (Blank).

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

21 (s) The child is in the temporary custody or
22 guardianship of the Department of Children and Family
23 Services, the parent is incarcerated at the time the
24 petition or motion for termination of parental rights is
25 filed, the parent has been repeatedly incarcerated as a
26 result of criminal convictions, and the parent's repeated

1 incarceration has prevented the parent from discharging
2 his or her parental responsibilities for the child.

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

18 E. "Parent" means a person who is the legal mother or legal
19 father of the child as defined in subsection X or Y of this
20 Section. For the purpose of this Act, a parent who has executed
21 a consent to adoption, a surrender, or a waiver pursuant to
22 Section 10 of this Act, who has signed a Denial of Paternity
23 pursuant to Section 12 of the Vital Records Act or Section 12a
24 of this Act, or whose parental rights have been terminated by a
25 court, is not a parent of the child who was the subject of the
26 consent, surrender, waiver, or denial unless (1) the consent is

1 void pursuant to subsection O of Section 10 of this Act; or (2)
2 the person executed a consent to adoption by a specified person
3 or persons pursuant to subsection A-1 of Section 10 of this Act
4 and a court of competent jurisdiction finds that the consent is
5 void; or (3) the order terminating the parental rights of the
6 person is vacated by a court of competent jurisdiction.

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

8 (a) a child who has been surrendered for adoption to an
9 agency and to whose adoption the agency has thereafter
10 consented;

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

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

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

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

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

23 A person who would otherwise be available for adoption
24 shall not be deemed unavailable for adoption solely by reason
25 of his or her death.

26 G. The singular includes the plural and the plural includes

1 the singular and the "male" includes the "female", as the
2 context of this Act may require.

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

7 I. "Habitual residence" has the meaning ascribed to it in
8 the federal Intercountry Adoption Act of 2000 and regulations
9 promulgated thereunder.

10 J. "Immediate relatives" means the biological parents, the
11 parents of the biological parents and siblings of the
12 biological parents.

13 K. "Intercountry adoption" is a process by which a child
14 from a country other than the United States is adopted by
15 persons who are habitual residents of the United States, or the
16 child is a habitual resident of the United States who is
17 adopted by persons who are habitual residents of a country
18 other than the United States.

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

23 M. "Interstate Compact on the Placement of Children" is a
24 law enacted by all states and certain territories for the
25 purpose of establishing uniform procedures for handling the
26 interstate placement of children in foster homes, adoptive

1 homes, or other child care facilities.

2 N. (Blank).

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

7 P. "Abused child" means a child whose parent or immediate
8 family member, or any person responsible for the child's
9 welfare, or any individual residing in the same home as the
10 child, or a paramour of the child's parent:

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

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

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

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

1 (e) inflicts excessive corporal punishment.

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

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

26 R. "Putative father" means a man who may be a child's

1 father, but who (1) is not married to the child's mother on or
2 before the date that the child was or is to be born and (2) has
3 not established paternity of the child in a court proceeding
4 before the filing of a petition for the adoption of the child.
5 The term includes a male who is less than 18 years of age.
6 "Putative father" does not mean a man who is the child's father
7 as a result of criminal sexual abuse or assault as defined
8 under Article 11 of the Criminal Code of 2012.

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

14 T. (Blank).

15 T-5. "Biological parent", "birth parent", or "natural
16 parent" of a child are interchangeable terms that mean a person
17 who is biologically or genetically related to that child as a
18 parent.

19 U. "Interstate adoption" means the placement of a minor
20 child with a prospective adoptive parent for the purpose of
21 pursuing an adoption for that child that is subject to the
22 provisions of the Interstate Compact on Placement of Children.

23 V. (Blank). ~~"Endorsement letter" means the letter issued by~~
24 ~~the Department of Children and Family Services to document that~~
25 ~~a prospective adoptive parent has met preadoption requirements~~
26 ~~and has been deemed suitable by the Department to adopt a child~~

1 ~~who is the subject of an intercountry adoption.~~

2 W. (Blank). ~~"Denial letter" means the letter issued by the~~
3 ~~Department of Children and Family Services to document that a~~
4 ~~prospective adoptive parent has not met preadoption~~
5 ~~requirements and has not been deemed suitable by the Department~~
6 ~~to adopt a child who is the subject of an intercountry~~
7 ~~adoption.~~

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

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

16 (2) because his paternity of the child has been
17 established pursuant to the Illinois Parentage Act, the
18 Illinois Parentage Act of 1984, or the Gestational
19 Surrogacy Act; or

20 (3) because he is listed as the child's father or
21 parent on the child's birth certificate, unless he is
22 otherwise determined by an administrative or judicial
23 proceeding not to be the parent of the child or unless he
24 rescinds his acknowledgment of paternity pursuant to the
25 Illinois Parentage Act of 1984; or

26 (4) because his paternity or adoption of the child has

1 been established by a court of competent jurisdiction.

2 The definition in this subsection X shall not be construed
3 to provide greater or lesser rights as to the number of parents
4 who can be named on a final judgment order of adoption or
5 Illinois birth certificate that otherwise exist under Illinois
6 law.

7 Y. "Legal mother" of a child means a woman who is
8 recognized as or presumed to be that child's mother:

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

11 (2) because her maternity of the child has been
12 established pursuant to the Illinois Parentage Act of 1984
13 or the Gestational Surrogacy Act; or

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

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

19 (5) because she is listed as the child's mother or
20 parent on the child's birth certificate unless she is
21 otherwise determined by an administrative or judicial
22 proceeding not to be the parent of the child.

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

1 law.

2 Z. "Department" means the Illinois Department of Children
3 and Family Services.

4 AA. "Placement disruption" means a circumstance where the
5 child is removed from an adoptive placement before the adoption
6 is finalized.

7 BB. "Secondary placement" means a placement, including but
8 not limited to the placement of a ward of the Department, that
9 occurs after a placement disruption or an adoption dissolution.
10 "Secondary placement" does not mean secondary placements
11 arising due to the death of the adoptive parent of the child.

12 CC. "Adoption dissolution" means a circumstance where the
13 child is removed from an adoptive placement after the adoption
14 is finalized.

15 DD. "Unregulated placement" means the secondary placement
16 of a child that occurs without the oversight of the courts, the
17 Department, or a licensed child welfare agency.

18 EE. "Post-placement and post-adoption support services"
19 means support services for placed or adopted children and
20 families that include, but are not limited to, counseling for
21 emotional, behavioral, or developmental needs.

22 (Source: P.A. 97-227, eff. 1-1-12; 97-1109, eff. 1-1-13;
23 97-1150, eff. 1-25-13; 98-455, eff. 1-1-14; 98-532, eff.
24 1-1-14; 98-804, eff. 1-1-15.)

25 (750 ILCS 50/2) (from Ch. 40, par. 1502)

1 Sec. 2. Who may adopt a child.

2 A. Any of the following persons, who is under no legal
3 disability (except the minority specified in sub-paragraph
4 (b)) and who has resided in the State of Illinois continuously
5 for a period of at least 6 months immediately preceding the
6 commencement of an adoption proceeding, or any member of the
7 armed forces of the United States who has been domiciled in the
8 State of Illinois for 90 days, may institute such proceeding:

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

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

20 Notwithstanding sub-paragraph (a) of this subsection, a
21 spouse or civil union partner is not required to join in a
22 petition for adoption to re-adopt a child after an intercountry
23 adoption if the spouse or civil union partner did not
24 previously adopt the child as set forth in subsections (c) and
25 (e) of Section 4.1 of this Act.

26 B. The residence requirement specified in paragraph A of

1 this Section shall not apply to:

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

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

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

6 (750 ILCS 50/4.1) (from Ch. 40, par. 1506)

7 Sec. 4.1. Adoption between multiple jurisdictions.

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

1 to the Department:

2 (1) A copy of the agency's current license or other
3 form of authorization from the approving authority in the
4 agency's state. If no license or authorization is issued,
5 the agency must provide a reference statement, from the
6 approving authority, stating that the agency is authorized
7 to place children in foster care or adoption or both in its
8 jurisdiction.

9 (2) A description of the program, including home
10 studies, placements, and supervisions, that the child
11 placing agency conducts within its geographical area, and,
12 if applicable, adoptive placements and the finalization of
13 adoptions. The child placing agency must accept continued
14 responsibility for placement planning and replacement if
15 the placement fails.

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

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

19 The rules shall also provide that any agency that places
20 children for adoption in this State may not, in any policy or
21 practice relating to the placement of children for adoption,
22 discriminate against any child or prospective adoptive parent
23 on the basis of race.

24 (a-5) (Blank).

25 (b) Interstate Adoptions.

26 (1) All interstate adoption placements under this Act

1 shall comply with the Child Care Act of 1969 and the
2 Interstate Compact on the Placement of Children. The
3 placement of children with relatives by the Department of
4 Children and Family Services shall also comply with
5 subsection (b) of Section 7 of the Children and Family
6 Services Act.

7 (2) If an adoption is finalized prior to bringing or
8 sending a child to this State, compliance with the
9 Interstate Compact on the Placement of Children is not
10 required.

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

23 ~~(2) The Department of Children and Family Services~~
24 ~~shall maintain the office of Intercountry Adoption~~
25 ~~Coordinator in order to maintain and protect the rights of~~
26 ~~prospective adoptive parents and children participating in~~

1 ~~an intercountry adoption and shall develop ongoing~~
2 ~~programs of support and services to such prospective~~
3 ~~adoptive parents and children.~~

4 ~~(3) In the case of an intercountry adoption of a child~~
5 ~~by an Illinois resident, the Department shall promulgate~~
6 ~~rules concerning preadoption requirements, which shall~~
7 ~~include, but not be limited to, requirements relating to~~
8 ~~home studies conducted by licensed child welfare agencies~~
9 ~~and requirements relating to supporting documentation~~
10 ~~concerning the prospective adoptive parent's suitability~~
11 ~~to adopt a child.~~

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

1 ~~(5) The Intercountry Adoption Coordinator shall issue~~
2 ~~an endorsement letter, indicating that all preadoption~~
3 ~~requirements have been met, or a denial letter, indicating~~
4 ~~the specific preadoption requirements that have not been~~
5 ~~met, no later than 21 days from receipt of the home study~~
6 ~~from the child welfare agency. If, upon receipt of the home~~
7 ~~study, the Intercountry Adoption Coordinator determines~~
8 ~~that more information is required before any determination~~
9 ~~can be made with respect to compliance with the preadoption~~
10 ~~requirements, the Intercountry Adoption Coordinator shall,~~
11 ~~within 7 days of receipt of the home study, provide notice~~
12 ~~describing the additional information, via facsimile or~~
13 ~~through electronic communication, to the licensed child~~
14 ~~welfare agency and the adoptive parent. Within 21 days of~~
15 ~~receipt of the additional information, the Intercountry~~
16 ~~Adoption Coordinator shall provide the child welfare~~
17 ~~agency with an endorsement letter or a denial letter. The~~
18 ~~Intercountry Adoption Coordinator shall mail a copy of the~~
19 ~~endorsement letter or denial letter to the prospective~~
20 ~~adoptive parent at the same time that the Intercountry~~
21 ~~Adoption Coordinator provides the letter to the child~~
22 ~~welfare agency.~~

23 ~~(6) If the Intercountry Adoption Coordinator issues a~~
24 ~~denial letter, a prospective adoptive parent shall have the~~
25 ~~right to a review. The Intercountry Adoption Coordinator~~
26 ~~shall include in its denial letter notification advising~~

1 ~~the prospective adoptive parent of the right to seek a~~
2 ~~review, by the Director of the Department, of the~~
3 ~~determination, if requested in writing within 30 days of~~
4 ~~receipt of the denial letter. Failure to submit such a~~
5 ~~request within 30 days waives the prospective parent's~~
6 ~~right to a review.~~

7 ~~(i) The review by the Director shall include, but~~
8 ~~is not limited to, a review of documentation submitted~~
9 ~~by the prospective adoptive parent and, if requested by~~
10 ~~the prospective adoptive parent, a telephone~~
11 ~~conference or a mutually convenient in-person meeting~~
12 ~~with the Director, or the Director's designated~~
13 ~~representative, to allow the prospective adoptive~~
14 ~~parent to present the facts and circumstances~~
15 ~~supporting the request for the endorsement letter.~~

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

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

1 ~~(7) In the case of an intercountry adoption finalized~~
2 ~~in another country, where a complete and valid Order of~~
3 ~~Adoption is issued from that country to an Illinois~~
4 ~~resident, as determined by the United States Department of~~
5 ~~State, this State shall not impose any additional~~
6 ~~preadoption requirements.~~

7 ~~(8) The Department of Children and Family Services~~
8 ~~shall provide a report to the General Assembly, on an~~
9 ~~annual basis for the preceding year, beginning on September~~
10 ~~1 of each year after the effective date of this amendatory~~
11 ~~Act of the 98th General Assembly. The report shall provide~~
12 ~~non-identifying statistical data on the endorsement and~~
13 ~~denial letters and the requests for review of denial~~
14 ~~letters and shall contain, but not limited to, the~~
15 ~~following:~~

16 ~~(i) the number of endorsement letters issued by the~~
17 ~~Intercountry Adoption Coordinator;~~

18 ~~(ii) the number of denial letters issued by the~~
19 ~~Intercountry Adoption Coordinator;~~

20 ~~(iii) the number of requests for review of denial~~
21 ~~letters;~~

22 ~~(iv) the number of denial letter reviews which~~
23 ~~resulted in a reversal by the Director and an~~
24 ~~endorsement letter being issued; and~~

25 ~~(v) the basis of each denial letter and the basis~~
26 ~~of each reversal of the denial letter in a particular~~

1 ~~case.~~

2 (d) (Blank).

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

4 (1) Any time after a minor child has been adopted in a
5 foreign country and has immigrated to the United States,
6 the adoptive parent or parents of the child may petition
7 the court for a judgment of adoption to re-adopt the child
8 and confirm the foreign adoption decree.

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

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

15 (ii) a decree, judgment, certificate of adoption,
16 adoption registration, or equivalent court order,
17 entered or issued by a court of competent jurisdiction
18 or administrative body outside the United States,
19 establishing the relationship of parent and child by
20 adoption; or

21 (iii) such other evidence deemed satisfactory by
22 the court.

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

1 (4) If the petitioner submits documentation that
2 satisfies the requirements of paragraph (2), the court
3 shall not appoint a guardian ad litem for the minor who is
4 the subject of the proceeding, shall not require any
5 further termination of parental rights of the child's
6 biological parents, nor shall it require any home study,
7 investigation, post-placement visit, or background check
8 of the petitioner.

9 (5) The petition may include a request for change of
10 the child's name and any other request for specific relief
11 that is in the best interests of the child. The relief may
12 include a request for a revised birth date for the child if
13 supported by evidence from a medical or dental professional
14 attesting to the appropriate age of the child or other
15 collateral evidence.

16 (6) Two adoptive parents who adopted a minor child
17 together in a foreign country while married to one another
18 may file a petition for adoption to re-adopt the child
19 jointly, regardless of whether their marriage has been
20 dissolved. If either parent whose marriage was dissolved
21 has subsequently remarried or entered into a civil union
22 with another person, the new spouse or civil union partner
23 shall not join in the petition to re-adopt the child,
24 unless the new spouse or civil union partner is seeking to
25 adopt the child. If either adoptive parent does not join in
26 the petition, he or she must be joined as a party

1 defendant. The defendant parent's failure to participate
2 in the re-adoption proceeding shall not affect the existing
3 parental rights or obligations of the parent as they relate
4 to the minor child, and the parent's name shall be placed
5 on any subsequent birth record issued for the child as a
6 result of the re-adoption proceeding.

7 (7) An adoptive parent who adopted a minor child in a
8 foreign country as an unmarried person may file a petition
9 for adoption to re-adopt the child as a sole petitioner,
10 even if the adoptive parent has subsequently married or
11 entered into a civil union.

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

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

18 (750 ILCS 50/5) (from Ch. 40, par. 1507)

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

20 A. A proceeding to adopt a child, other than a related
21 child, shall be commenced by the filing of a petition within 30
22 days after such child has become available for adoption,
23 provided that such petition may be filed at a later date by
24 leave of court upon a showing that the failure to file such
25 petition within such 30 day period was not due to the

1 petitioners' culpable negligence or their wilful disregard of
2 the provisions of this Section. In the case of a child born
3 outside the United States or a territory thereof, if the
4 prospective adoptive parents of such child have been appointed
5 guardians of such child by a court of competent jurisdiction in
6 a country other than the United States or a territory thereof,
7 such parents shall file a petition as provided in this Section
8 within 30 days after entry of the child into the United States.
9 A petition to adopt an adult or a related child may be filed at
10 any time. A petition for adoption may include more than one
11 person sought to be adopted.

12 B. A petition to adopt a child other than a related child
13 shall state:

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

16 (b) The place of residence of the petitioners and the
17 length of residence of each in the State of Illinois
18 immediately preceding the filing of the petition;

19 (c) When the petitioners acquired, or intend to
20 acquire, custody of the child, and the name and address of
21 the persons or agency from whom the child was or will be
22 received;

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

25 (e) The relationship, if any, of the child to each
26 petitioner;

1 (f) The names, if known, and the place of residence, if
2 known, of the parents; and whether such parents are minors,
3 or otherwise under any legal disability. The names and
4 addresses of the parents shall be omitted and they shall
5 not be made parties defendant to the petition if (1) the
6 rights of the parents have been terminated by a court of
7 competent jurisdiction, or (2) the child has been
8 surrendered to an agency, or (3) the parent or parents have
9 been served with the notice provided in Section 12a of this
10 Act and said parent or parents have filed a disclaimer of
11 paternity as therein provided or have failed to file such
12 declaration of paternity or a request for notice as
13 provided in said Section, or (4) the parent is a putative
14 father or legal father of the child who has waived his
15 parental rights by signing a waiver as provided in
16 subsection S of Section 10;

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

20 (h) If it is alleged that the child has no living
21 parent and that no guardian of such child is known to
22 petitioners, then the name of a near relative, if known,
23 shall be set forth, or an allegation that no near relative
24 is known and on due inquiry cannot be ascertained by
25 petitioners;

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

1 (j) That the person or agency, having authority to
2 consent under Section 8 of this Act, has consented, or has
3 indicated willingness to consent, to the adoption of the
4 child by the petitioners, or that the person having
5 authority to consent is an unfit person and the ground
6 therefor, or that no consent is required under paragraph
7 (f) of Section 8 of this Act;

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

14 C. A petition to adopt a related child shall include the
15 information specified in sub-paragraphs (a), (b), (d), (e),
16 (f), (i) and (k) of paragraph B and a petition to adopt an
17 adult shall contain the information required by sub-paragraphs
18 (a), (b) and (i) of paragraph B in addition to the name, place,
19 date of birth and sex of such adult.

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

21 E. Upon the filing of the petition the petitioners shall
22 furnish the Clerk of the Court in which the petition is pending
23 such information not contained in such petition as shall be
24 necessary to enable the Clerk of such Court to complete a
25 certificate of adoption as hereinafter provided.

26 F. A petition for standby adoption shall conform to the

1 requirements of this Act with respect to petition contents,
2 verification, and filing. The petition for standby adoption
3 shall also state the facts concerning the consent of the
4 child's parent to the standby adoption. A petition for standby
5 adoption shall include the information in paragraph B if the
6 petitioner seeks to adopt a child other than a related child. A
7 petition for standby adoption shall include the information in
8 paragraph C if the petitioner seeks to adopt a related child or
9 adult.

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

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

15 (750 ILCS 50/13) (from Ch. 40, par. 1516)

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

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

21 (a) To determine the validity of the consent, provided
22 that the execution of a consent pursuant to this Act shall
23 be prima facie evidence of its validity, and provided that
24 the validity of a consent shall not be affected by the
25 omission therefrom of the names of the petitioners or

1 adopting parents at the time the consent is executed or
2 acknowledged, and further provided that the execution of a
3 consent prior to the filing of a petition for adoption
4 shall not affect its validity.

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

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

8 (a) The court shall appoint some licensed attorney
9 other than the State's attorney acting in his or her
10 official capacity as guardian ad litem to represent a child
11 sought to be adopted. Such guardian ad litem shall have
12 power to consent to the adoption of the child, if such
13 consent is required.

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

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

1 in this State.

2 (d) If it is proved to the satisfaction of the court,
3 after such investigation as the court deems necessary, that
4 termination of parental rights and temporary commitment of
5 the child to an agency or to a person deemed competent by
6 the court, including petitioners, will be for the welfare
7 of the child, the court may order the child to be so
8 committed and may terminate the parental rights of the
9 parents and declare the child a ward of the court or, if it
10 is not so proved, the court may enter such other order as
11 it shall deem necessary and advisable.

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

24 (f) An interim custody order may be granted without
25 notice upon presentation to the court of a written
26 petition, accompanied by an affidavit, stating that there

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

26 C. In the case of a child born outside the United States or

1 a territory thereof, if the petitioners have previously been
2 appointed guardians of such child by a court of competent
3 jurisdiction in a country other than the United States or a
4 territory thereof, the court may order that the petitioners
5 continue as guardians of such child.

6 D. In standby adoption cases:

7 (a) The court shall appoint a licensed attorney other
8 than the State's Attorney acting in his or her official
9 capacity as guardian ad litem to represent a child sought
10 to be adopted. The guardian ad litem shall have power to
11 consent to the adoption of the child, if consent is
12 required.

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

16 (c) The court lacks jurisdiction to proceed on the
17 petition for standby adoption if the child has a living
18 parent, adoptive parent, or adjudicated parent whose
19 rights have not been terminated and whose whereabouts are
20 known, unless the parent consents to the standby adoption
21 or, after receiving notice of the hearing on the standby
22 adoption petition, fails to object to the appointment of a
23 standby adoptive parent at the hearing on the petition.

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

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

3 (750 ILCS 50/18.9 new)

4 Sec. 18.9. Post-placement and post-adoption support
5 services.

6 (a) It is the public policy of this State to find
7 permanency for children through adoption and to prevent
8 placement disruption, adoption dissolution, and secondary
9 placement. Access to post-placement and post-adoption support
10 services to provide support and resources for wards of the
11 State, foster families, and adoptive families is essential to
12 promote permanency. Public awareness of post-placement and
13 post-adoption services and the ability of families to utilize
14 effective services are essential to permanency.

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

17 (c) The Department shall post information about the
18 Department's post-placement and post-adoption support services
19 on the Department's website and shall provide the information
20 to every licensed child welfare agency, every out of State
21 placement agency or entity approved under Section 4.1 of this
22 Act, and any entity providing adoption support services in the
23 Illinois courts. The Department's post-placement and
24 post-adoption support services shall be referenced in
25 information regarding adoptive parents' rights and

1 responsibilities that the Department publishes and provides to
2 adoptive parents under this Act. The Department shall establish
3 and maintain a toll-free number to advise the public about its
4 post-placement and post-adoption support services and post the
5 number on its website.

6 (d) Every licensed child welfare agency, every entity
7 approved under Section 4.1 of this Act, and any entity
8 providing adoption support services in the Illinois courts
9 shall provide the Department's website address and link to the
10 Department's post-placement and post-adoption services
11 information set forth in subsection (c) of this Section,
12 including the Department's toll-free number, to every adoptive
13 parent with whom they work in Illinois. This information shall
14 be provided prior to placement.

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

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

21 (2) without identifying the names of the recipients of
22 the services, the number of foster parents, prospective
23 adoptive parents, and adoptive families in Illinois who
24 have received the Department's post-placement and
25 post-adoption support services and the type of services
26 provided;

1 (3) the number of families who have contacted the
2 Department about its post-placement and post-adoption
3 services due to a potential placement disruption, adoption
4 dissolution, secondary placement, or unregulated
5 placement, but for whom the Department declined to provide
6 post-placement and post-adoption support services and the
7 reasons that services were denied; and

8 (4) the number of placement disruptions, adoption
9 dissolutions, unregulated placements, and secondary
10 placements, and for each one:

11 (A) the type of placement or adoption, including
12 whether the child who was the subject of the placement
13 was a ward of the Department, and if the child was not
14 a ward, whether the adoption was a private, agency,
15 agency-assisted, interstate, or intercountry adoption;

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

18 (C) whether the child who was the subject of the
19 placement disruption, adoption dissolution,
20 unregulated placement, or secondary placement entered
21 State custody;

22 (D) the length of the placement prior to the
23 placement disruption, adoption dissolution,
24 unregulated placement, or secondary placement;

25 (E) the age of the child at the time of the
26 placement disruption, adoption dissolution,

1 unregulated placement, or secondary placement;

2 (F) the reason, if known, for the placement
3 disruption, adoption dissolution, unregulated
4 placement, or secondary placement; and

5 (G) if a licensed child welfare agency or any
6 approved out of State placing entity participated in
7 the initial placement, and, if applicable, the name of
8 the agency or approved out of State placing entity."