



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

**HB0703**

Introduced 1/25/2017, by Rep. Sara Feigenholtz

#### SYNOPSIS AS INTRODUCED:

750 ILCS 50/4.1

from Ch. 40, par. 1506

Amends the Adoption Act. In a Section concerning adoption between multiple jurisdictions, adds a statement of public policy. Provides that the Department of Children and Family Services shall promulgate procedures and requirements for interstate adoption placements of children and disseminate the information via specified channels no later than 30 days after the effective date of the amendatory Act. Provides that the Department may not require any further pre-adoption requirements. Provides that the procedures shall reflect the standard of review as stated in the Interstate Compact on the Placement of Children and approval shall be given by the Department if the placement appears not to be contrary to the best interests of the child. Adds provisions governing the timeline and procedures for interstate adoptions. Provides that communications concerning an interstate placement made between the Department and an Illinois licensed child welfare agency, an out-of-state child placing agency, and attorneys representing the prospective adoptive parent or biological parent may be made through any type of electronic means, including, but not limited to, electronic mail. Effective immediately.

LRB100 06805 HEP 16854 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Adoption Act is amended by changing Section  
5 4.1 as follows:

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

7 Sec. 4.1. Adoption between multiple jurisdictions. It is  
8 the public policy of this State to promote child welfare in  
9 adoption between multiple jurisdictions by implementing  
10 standards that foster permanency for children in an expeditious  
11 manner while considering the best interests of the child as  
12 paramount. Ensuring that standards for interjurisdictional  
13 adoption are clear and applied consistently, efficiently, and  
14 reasonably will promote the best interests of the child in  
15 finding a permanent home.

16 (a) The Department of Children and Family Services shall  
17 promulgate rules regarding the approval and regulation of  
18 agencies providing, in this State, adoption services, as  
19 defined in Section 2.24 of the Child Care Act of 1969, which  
20 shall include, but not be limited to, a requirement that any  
21 agency shall be licensed in this State as a child welfare  
22 agency as defined in Section 2.08 of the Child Care Act of  
23 1969. Any out-of-state agency, if not licensed in this State as

1 a child welfare agency, must obtain the approval of the  
2 Department in order to act as a sending agency, as defined in  
3 Section 1 of the Interstate Compact on Placement of Children  
4 Act, seeking to place a child into this State through a  
5 placement subject to the Interstate Compact on the Placement of  
6 Children. An out-of-state agency, if not licensed in this State  
7 as a child welfare agency, is prohibited from providing in this  
8 State adoption services, as defined by Section 2.24 of the  
9 Child Care Act of 1969; shall comply with Section 12C-70 of the  
10 Criminal Code of 2012; and shall provide all of the following  
11 to the Department:

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

19 (2) A description of the program, including home  
20 studies, placements, and supervisions, that the child  
21 placing agency conducts within its geographical area, and,  
22 if applicable, adoptive placements and the finalization of  
23 adoptions. The child placing agency must accept continued  
24 responsibility for placement planning and replacement if  
25 the placement fails.

26 (3) Notification to the Department of any significant

1 child placing agency changes after approval.

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

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

8 (a-5) (Blank).

9 (b) Interstate adoptions.

10 (1) All interstate adoption placements under this Act  
11 shall comply with the Child Care Act of 1969 and the  
12 Interstate Compact on the Placement of Children. The  
13 placement of children with relatives by the Department of  
14 Children and Family Services shall also comply with  
15 subsection (b) of Section 7 of the Children and Family  
16 Services Act. The Department may promulgate rules to  
17 implement interstate adoption placements, including those  
18 requirements set forth in this Section.

19 (2) If an adoption is finalized prior to bringing or  
20 sending a child to this State, compliance with the  
21 Interstate Compact on the Placement of Children is not  
22 required.

23 (3) Approval requirements. The Department shall  
24 promulgate procedures for interstate adoption placements  
25 of children under this Act. No later than 30 days after the  
26 effective date of this amendatory Act of the 100th General

1 Assembly, the Department shall distribute a written list of  
2 all pre-adoption approval requirements to all Illinois  
3 licensed child welfare agencies performing adoption  
4 services, and all out-of-state agencies approved under  
5 this Section, and shall post the requirements on the  
6 Department's website. The Department may not require any  
7 further pre-adoption requirements other than those set  
8 forth in the procedures required under this paragraph. The  
9 procedures shall reflect the standard of review as stated  
10 in the Interstate Compact on the Placement of Children and  
11 approval shall be given by the Department if the placement  
12 appears not to be contrary to the best interests of the  
13 child.

14 (4) Time for review and decision. In all cases where  
15 the child to be placed is not a youth in care in Illinois  
16 or any other state, a provisional or final approval for  
17 placement shall be provided in writing from the Department  
18 in accordance with the Interstate Compact on the Placement  
19 of Children. Approval or denial of the placement must be  
20 given by the Department as soon as practicable, but in no  
21 event more than 3 business days of the receipt of the  
22 completed referral packet by the Department's Interstate  
23 Compact Administrator. Receipt of the packet shall be  
24 evidenced by the packet's arrival at the address designated  
25 by the Department to receive such referrals. The written  
26 decision to approve or deny the placement shall be

1 communicated in an expeditious manner, including, but not  
2 limited to, electronic means referenced in paragraph  
3 (b)(7) of this Section, and shall be provided to all  
4 Illinois licensed child welfare agencies involved in the  
5 placement, all out-of-state child placing agencies  
6 involved in the placement, and all attorneys representing  
7 the prospective adoptive parent or biological parent. If,  
8 during its initial review of the packet, the Department  
9 believes there are any incomplete or missing documents, or  
10 missing information, as required in paragraph (b)(3), the  
11 Department shall, as soon as practicable, but in no event  
12 more than 2 business days of receipt of the packet,  
13 communicate a list of any incomplete or missing documents  
14 and information to all Illinois licensed child welfare  
15 agencies involved in the placement, all out-of-state child  
16 placing agencies involved in the placement, and all  
17 attorneys representing the adoptive parent or biological  
18 parent. This list shall be communicated in an expeditious  
19 manner, including, but not limited to, electronic means  
20 referenced in paragraph (b)(7) of this Section.

21 (5) Denial of approval. In all cases where the child to  
22 be placed is not a youth in the care of any state, if the  
23 Department denies approval of an interstate placement, the  
24 written decision referenced in paragraph (b)(4) of this  
25 Section shall set forth the reason or reasons why the  
26 placement was not approved and shall reference which

1 requirements under paragraph (b)(3) of this Section were  
2 not met. The written decision shall be communicated in an  
3 expeditious manner, including, but not limited to,  
4 electronic means referenced in paragraph (b)(7) of this  
5 Section, to all Illinois licensed child welfare agencies  
6 involved in the placement, all out-of-state child placing  
7 agencies involved in the placement, and all attorneys  
8 representing the prospective adoptive parent or biological  
9 parent.

10 (6) Provisional approval. Nothing in paragraphs (b)(3)  
11 through (b)(5) of this Section shall preclude the  
12 Department from issuing provisional approval of the  
13 placement pending receipt of any missing or incomplete  
14 documents or information.

15 (7) Electronic communication. All communications  
16 concerning an interstate placement made between the  
17 Department and an Illinois licensed child welfare agency,  
18 an out-of-state child placing agency, and attorneys  
19 representing the prospective adoptive parent or biological  
20 parent, including the written communications referenced in  
21 this Section, may be made through any type of electronic  
22 means, including, but not limited to, electronic mail.

23 (c) Intercountry adoptions. The adoption of a child, if the  
24 child is a habitual resident of a country other than the United  
25 States and the petitioner is a habitual resident of the United  
26 States, or, if the child is a habitual resident of the United

1 States and the petitioner is a habitual resident of a country  
2 other than the United States, shall comply with the  
3 Intercountry Adoption Act of 2000, as amended, and the  
4 Immigration and Nationality Act, as amended. In the case of an  
5 intercountry adoption that requires oversight by the adoption  
6 services governed by the Intercountry Adoption Universal  
7 Accreditation Act of 2012, this State shall not impose any  
8 additional preadoption requirements.

9 (d) (Blank).

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

11 (1) Any time after a minor child has been adopted in a  
12 foreign country and has immigrated to the United States,  
13 the adoptive parent or parents of the child may petition  
14 the court for a judgment of adoption to re-adopt the child  
15 and confirm the foreign adoption decree.

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

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

22 (ii) a decree, judgment, certificate of adoption,  
23 adoption registration, or equivalent court order,  
24 entered or issued by a court of competent jurisdiction  
25 or administrative body outside the United States,  
26 establishing the relationship of parent and child by



1 adoption; or

2 (iii) such other evidence deemed satisfactory by  
3 the court.

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

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

16 (5) The petition may include a request for change of  
17 the child's name and any other request for specific relief  
18 that is in the best interests of the child. The relief may  
19 include a request for a revised birth date for the child if  
20 supported by evidence from a medical or dental professional  
21 attesting to the appropriate age of the child or other  
22 collateral evidence.

23 (6) Two adoptive parents who adopted a minor child  
24 together in a foreign country while married to one another  
25 may file a petition for adoption to re-adopt the child  
26 jointly, regardless of whether their marriage has been

1 dissolved. If either parent whose marriage was dissolved  
2 has subsequently remarried or entered into a civil union  
3 with another person, the new spouse or civil union partner  
4 shall not join in the petition to re-adopt the child,  
5 unless the new spouse or civil union partner is seeking to  
6 adopt the child. If either adoptive parent does not join in  
7 the petition, he or she must be joined as a party  
8 defendant. The defendant parent's failure to participate  
9 in the re-adoption proceeding shall not affect the existing  
10 parental rights or obligations of the parent as they relate  
11 to the minor child, and the parent's name shall be placed  
12 on any subsequent birth record issued for the child as a  
13 result of the re-adoption proceeding.

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

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

24 (Source: P.A. 98-455, eff. 1-1-14; 99-49, eff. 7-15-15.)

25 Section 99. Effective date. This Act takes effect upon  
26 becoming law.