

1 AN ACT concerning adoption.

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

4 Section 5. The Adoption Act is amended by changing Sections
5 1, 9, 10, 13.1, and 14 as follows:

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

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

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

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

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

25 D. "Unfit person" means any person whom the court shall
26 find to be unfit to have a child, without regard to the
27 likelihood that the child will be placed for adoption. The
28 grounds of unfitness are any one or more of the following,
29 except that a person shall not be considered an unfit person
30 for the sole reason that the person has relinquished a child in
31 accordance with the Abandoned Newborn Infant Protection Act:

32 (a) Abandonment of the child.

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

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

5 (b) Failure to maintain a reasonable degree of
6 interest, concern or responsibility as to the child's
7 welfare.

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

10 (d) Substantial neglect of the child if continuous or
11 repeated.

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

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

16 (f) Two or more findings of physical abuse to any
17 children under Section 4-8 of the Juvenile Court Act or
18 Section 2-21 of the Juvenile Court Act of 1987, the most
19 recent of which was determined by the juvenile court
20 hearing the matter to be supported by clear and convincing
21 evidence; a criminal conviction or a finding of not guilty
22 by reason of insanity resulting from the death of any child
23 by physical child abuse; or a finding of physical child
24 abuse resulting from the death of any child under Section
25 4-8 of the Juvenile Court Act or Section 2-21 of the
26 Juvenile Court Act of 1987.

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

29 (h) Other neglect of, or misconduct toward the child;
30 provided that in making a finding of unfitness the court
31 hearing the adoption proceeding shall not be bound by any
32 previous finding, order or judgment affecting or
33 determining the rights of the parents toward the child
34 sought to be adopted in any other proceeding except such
35 proceedings terminating parental rights as shall be had
36 under either this Act, the Juvenile Court Act or the

1 Juvenile Court Act of 1987.

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

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

27 There is a rebuttable presumption that a parent is
28 deprived if that parent has been criminally convicted of
29 either first or second degree murder of any person as
30 defined in the Criminal Code of 1961 within 10 years of the
31 filing date of the petition or motion to terminate parental
32 rights.

33 (j) Open and notorious adultery or fornication.

34 (j-1) (Blank).

35 (k) Habitual drunkenness or addiction to drugs, other
36 than those prescribed by a physician, for at least one year

1 immediately prior to the commencement of the unfitness
2 proceeding.

3 There is a rebuttable presumption that a parent is
4 unfit under this subsection with respect to any child to
5 which that parent gives birth where there is a confirmed
6 test result that at birth the child's blood, urine, or
7 meconium contained any amount of a controlled substance as
8 defined in subsection (f) of Section 102 of the Illinois
9 Controlled Substances Act or metabolites of such
10 substances, the presence of which in the newborn infant was
11 not the result of medical treatment administered to the
12 mother or the newborn infant; and the biological mother of
13 this child is the biological mother of at least one other
14 child who was adjudicated a neglected minor under
15 subsection (c) of Section 2-3 of the Juvenile Court Act of
16 1987.

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

20 (m) Failure by a parent (i) to make reasonable efforts
21 to correct the conditions that were the basis for the
22 removal of the child from the parent, or (ii) to make
23 reasonable progress toward the return of the child to the
24 parent within 9 months after an adjudication of neglected
25 or abused minor under Section 2-3 of the Juvenile Court Act
26 of 1987 or dependent minor under Section 2-4 of that Act,
27 or (iii) to make reasonable progress toward the return of
28 the child to the parent during any 9-month period after the
29 end of the initial 9-month period following the
30 adjudication of neglected or abused minor under Section 2-3
31 of the Juvenile Court Act of 1987 or dependent minor under
32 Section 2-4 of that Act. If a service plan has been
33 established as required under Section 8.2 of the Abused and
34 Neglected Child Reporting Act to correct the conditions
35 that were the basis for the removal of the child from the
36 parent and if those services were available, then, for

1 purposes of this Act, "failure to make reasonable progress
2 toward the return of the child to the parent" includes (I)
3 the parent's failure to substantially fulfill his or her
4 obligations under the service plan and correct the
5 conditions that brought the child into care within 9 months
6 after the adjudication under Section 2-3 or 2-4 of the
7 Juvenile Court Act of 1987 and (II) the parent's failure to
8 substantially fulfill his or her obligations under the
9 service plan and correct the conditions that brought the
10 child into care during any 9-month period after the end of
11 the initial 9-month period following the adjudication
12 under Section 2-3 or 2-4 of the Juvenile Court Act of 1987.

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

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

27 Contact or communication by a parent with his or her
28 child that does not demonstrate affection and concern does
29 not constitute reasonable contact and planning under
30 subdivision (n). In the absence of evidence to the
31 contrary, the ability to visit, communicate, maintain
32 contact, pay expenses and plan for the future shall be
33 presumed. The subjective intent of the parent, whether
34 expressed or otherwise, unsupported by evidence of the
35 foregoing parental acts manifesting that intent, shall not
36 preclude a determination that the parent has intended to

1 forgo his or her parental rights. In making this
2 determination, the court may consider but shall not require
3 a showing of diligent efforts by an authorized agency to
4 encourage the parent to perform the acts specified in
5 subdivision (n).

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

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

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

29 (q) The parent has been criminally convicted of
30 aggravated battery, heinous battery, or attempted murder
31 of any child.

32 (r) The child is in the temporary custody or
33 guardianship of the Department of Children and Family
34 Services, the parent is incarcerated as a result of
35 criminal conviction at the time the petition or motion for
36 termination of parental rights is filed, prior to

1 incarceration the parent had little or no contact with the
2 child or provided little or no support for the child, and
3 the parent's incarceration will prevent the parent from
4 discharging his or her parental responsibilities for the
5 child for a period in excess of 2 years after the filing of
6 the petition or motion for termination of parental rights.

7 (s) The child is in the temporary custody or
8 guardianship of the Department of Children and Family
9 Services, the parent is incarcerated at the time the
10 petition or motion for termination of parental rights is
11 filed, the parent has been repeatedly incarcerated as a
12 result of criminal convictions, and the parent's repeated
13 incarceration has prevented the parent from discharging
14 his or her parental responsibilities for the child.

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

30 E. "Parent" means the father or mother of a legitimate or
31 illegitimate child. For the purpose of this Act, a person who
32 has executed a final and irrevocable consent to adoption or a
33 final and irrevocable surrender for purposes of adoption, or
34 whose parental rights have been terminated by a court, is not a
35 parent of the child who was the subject of the consent or
36 surrender, unless the consent is void pursuant to subsection O

1 of Section 10.

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

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

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

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

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

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

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

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

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

24 H. "Adoption disruption" occurs when an adoptive placement
25 does not prove successful and it becomes necessary for the
26 child to be removed from placement before the adoption is
27 finalized.

28 I. "Foreign placing agency" is an agency or individual
29 operating in a country or territory outside the United States
30 that is authorized by its country to place children for
31 adoption either directly with families in the United States or
32 through United States based international agencies.

33 J. "Immediate relatives" means the biological parents, the
34 parents of the biological parents and siblings of the
35 biological parents.

36 K. "Intercountry adoption" is a process by which a child

1 from a country other than the United States is adopted.

2 L. "Intercountry Adoption Coordinator" is a staff person of
3 the Department of Children and Family Services appointed by the
4 Director to coordinate the provision of services by the public
5 and private sector to prospective parents of foreign-born
6 children.

7 M. "Interstate Compact on the Placement of Children" is a
8 law enacted by most states for the purpose of establishing
9 uniform procedures for handling the interstate placement of
10 children in foster homes, adoptive homes, or other child care
11 facilities.

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

14 O. "Preadoption requirements" are any conditions
15 established by the laws or regulations of the Federal
16 Government or of each state that must be met prior to the
17 placement of a child in an adoptive home.

18 P. "Abused child" means a child whose parent or immediate
19 family member, or any person responsible for the child's
20 welfare, or any individual residing in the same home as the
21 child, or a paramour of the child's parent:

22 (a) inflicts, causes to be inflicted, or allows to be
23 inflicted upon the child physical injury, by other than
24 accidental means, that causes death, disfigurement,
25 impairment of physical or emotional health, or loss or
26 impairment of any bodily function;

27 (b) creates a substantial risk of physical injury to
28 the child by other than accidental means which would be
29 likely to cause death, disfigurement, impairment of
30 physical or emotional health, or loss or impairment of any
31 bodily function;

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

36 (d) commits or allows to be committed an act or acts of

1 torture upon the child; or

2 (e) inflicts excessive corporal punishment.

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

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

27 R. "Putative father" means a man who may be a child's
28 father, but who (1) is not married to the child's mother on or
29 before the date that the child was or is to be born and (2) has
30 not established paternity of the child in a court proceeding
31 before the filing of a petition for the adoption of the child.
32 The term includes a male who is less than 18 years of age.
33 "Putative father" does not mean a man who is the child's father
34 as a result of criminal sexual abuse or assault as defined
35 under Article 12 of the Criminal Code of 1961. ~~A child shall~~
36 ~~not be considered neglected or abused for the sole reason that~~

1 ~~the child's parent or other person responsible for the child's~~
2 ~~welfare failed to vaccinate, delayed vaccination, or refused~~
3 ~~vaccination for the child due to a waiver on religious or~~
4 ~~medical grounds as permitted by law.~~

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

11 T. (Blank). ~~"Terminally ill parent" means a person who has~~
12 ~~a medical prognosis by a physician licensed to practice~~
13 ~~medicine in all of its branches that the person has an~~
14 ~~incurable and irreversible condition which will lead to death.~~

15 (Source: P.A. 91-357, eff. 7-29-99; 91-373, eff. 1-1-00;
16 91-572, eff. 1-1-00; 92-16, eff. 6-28-01; 92-375, eff. 1-1-02;
17 92-408, eff. 8-17-01; 92-432, eff. 8-17-01; 92-651, 7-11-02;
18 revised 8-23-02.)

19 (750 ILCS 50/9) (from Ch. 40, par. 1511)

20 Sec. 9. Time for taking a consent or surrender.

21 A. A consent or a surrender taken not less than 72 hours
22 after the birth of the child is irrevocable except as provided
23 in Section 11 of this Act.

24 B. No consent or surrender shall be taken within the 72
25 hour period immediately following the birth of the child.

26 C. A consent or a surrender may be taken from the father
27 prior to the birth of the child. Such consent or surrender
28 shall be revoked if, within 72 hours after the birth of the
29 child, the father who gave such consent or surrender, notifies
30 in writing the person, agency or court representative who took
31 the surrender or consent or any individual representing or
32 connected with such person, agency or court representative of
33 the revocation of the consent or surrender.

34 D. Any consent or surrender taken in accordance with
35 paragraph C above which is not revoked within 72 hours after

1 the birth of the child is irrevocable except as provided in
2 Section 11 of this Act.

3 E. Consent may be given to a standby adoption by a
4 ~~terminally ill~~ parent whose consent is required pursuant to
5 Section 8 of this Act to become effective when the consenting
6 ~~terminally ill~~ parent of the child dies or that parent requests
7 that the final judgment of adoption be entered.

8 (Source: P.A. 91-572, eff. 1-1-00.)

9 (750 ILCS 50/10) (from Ch. 40, par. 1512)

10 Sec. 10. Forms of consent and surrender; execution and
11 acknowledgment thereof.

12 A. The form of consent required for the adoption of a born
13 child shall be substantially as follows:

14 FINAL AND IRREVOCABLE CONSENT TO ADOPTION

15 I,, (relationship, e.g., mother, father, relative,
16 guardian) of, a ..male child, state:

17 That such child was born on at

18 That I reside at, County of and State of

19 That I am of the age of years.

20 That I hereby enter my appearance in this proceeding and
21 waive service of summons on me.

22 That I do hereby consent and agree to the adoption of such
23 child.

24 That I wish to and understand that by signing this consent
25 I do irrevocably and permanently give up all custody and other
26 parental rights I have to such child.

27 That I understand such child will be placed for adoption
28 and that I cannot under any circumstances, after signing this
29 document, change my mind and revoke or cancel this consent or
30 obtain or recover custody or any other rights over such child.
31 That I have read and understand the above and I am signing it
32 as my free and voluntary act.

33 Dated (insert date).

34

1 If under Section 8 the consent of more than one person is
2 required, then each such person shall execute a separate
3 consent.

4 B. The form of consent required for the adoption of an
5 unborn child shall be substantially as follows:

6 CONSENT TO ADOPTION OF UNBORN CHILD

7 I,, state:

8 That I am the father of a child expected to be born on or
9 about to (name of mother).

10 That I reside at County of, and State of

11 That I am of the age of years.

12 That I hereby enter my appearance in such adoption
13 proceeding and waive service of summons on me.

14 That I do hereby consent and agree to the adoption of such
15 child, and that I have not previously executed a consent or
16 surrender with respect to such child.

17 That I wish to and do understand that by signing this
18 consent I do irrevocably and permanently give up all custody
19 and other parental rights I have to such child, except that I
20 have the right to revoke this consent by giving written notice
21 of my revocation not later than 72 hours after the birth of the
22 child.

23 That I understand such child will be placed for adoption
24 and that, except as hereinabove provided, I cannot under any
25 circumstances, after signing this document, change my mind and
26 revoke or cancel this consent or obtain or recover custody or
27 any other rights over such child.

28 That I have read and understand the above and I am signing
29 it as my free and voluntary act.

30 Dated (insert date).

31

32 B-5. (1) The parent of a child may execute a consent to
33 standby adoption by a specified person or persons. A consent
34 under this subsection B-5 shall be acknowledged by a parent
35 pursuant to subsection H and subsection K of this Section. The
36 form of consent required for the standby adoption of a born

1 child effective at a future date when the consenting ~~terminally~~
2 ~~ill~~ parent of the child dies or requests that a final judgment
3 of adoption be entered shall be substantially as follows:

4 FINAL AND IRREVOCABLE CONSENT

5 TO STANDBY ADOPTION

6 I, ..., (relationship, e.g. mother or father) of, a
7 ..male child, state:

8 That the child was born on at

9 That I reside at, County of, and State of

10 That I am of the age of years.

11 That I hereby enter my appearance in this proceeding and
12 waive service of summons on me in this action only.

13 That I do hereby consent and agree to the standby adoption
14 of the child, and that I have not previously executed a consent
15 or surrender with respect to the child.

16 ~~That (I am terminally ill) (the child's other parent is~~
17 ~~terminally ill).~~

18 That I wish to and understand that by signing this consent
19 I do irrevocably and permanently give up all custody and other
20 parental rights I have to the child, effective upon (my death)
21 (the child's other parent's death) or upon (my) (the other
22 ~~terminally ill~~ parent's) request for the entry of a final
23 judgment for adoption if (specified person or persons)
24 adopt my child.

25 That I understand that until (I die) (the child's other
26 parent dies), I retain all legal rights and obligations
27 concerning the child, but at that time, I irrevocably give all
28 custody and other parental rights to (specified person or
29 persons).

30 I understand my child will be adopted by (specified
31 person or persons) only and that I cannot, under any
32 circumstances, after signing this document, change my mind and
33 revoke or cancel this consent or obtain or recover custody or
34 any other rights over my child if (specified person or
35 persons) adopt my child.

36 I understand that this consent to standby adoption is valid

1 only if the petition for standby adoption is filed and that if
 2 (specified person or persons), for any reason, cannot
 3 or will not file a petition for standby adoption or if his,
 4 her, or their petition for standby adoption is denied, then
 5 this consent is void. I have the right to notice of any other
 6 proceeding that could affect my parental rights.

7 That I have read and understand the above and I am signing
 8 it as my free and voluntary act.

9 Dated (insert date).

10

11 If under Section 8 the consent of more than one person is
 12 required, then each such person shall execute a separate
 13 consent. A separate consent shall be executed for each child.

14 (2) If the parent consents to a standby adoption by 2
 15 specified persons, then the form shall contain 2 additional
 16 paragraphs in substantially the following form:

17 If (specified persons) obtain a judgment of
 18 dissolution of marriage before the judgment for adoption is
 19 entered, then (specified person) shall adopt my child. I
 20 understand that I cannot change my mind and revoke this consent
 21 or obtain or recover custody of my child if (specified
 22 persons) obtain a judgment of dissolution of marriage and
 23 (specified person) adopts my child. I understand that I cannot
 24 change my mind and revoke this consent if (specified
 25 persons) obtain a judgment of dissolution of marriage before
 26 the adoption is final. I understand that this consent to
 27 adoption has no effect on who will get custody of my child if
 28 (specified persons) obtain a judgment of dissolution of
 29 marriage after the adoption is final. I understand that if
 30 either (specified persons) dies before the petition to
 31 adopt my child is granted, then the surviving person may adopt
 32 my child. I understand that I cannot change my mind and revoke
 33 this consent or obtain or recover custody of my child if the
 34 surviving person adopts my child.

35 A consent to standby adoption by specified persons on this

1 form shall have no effect on a court's determination of custody
2 or visitation under the Illinois Marriage and Dissolution of
3 Marriage Act if the marriage of the specified persons is
4 dissolved before the adoption is final.

5 (3) The form of the certificate of acknowledgement for a
6 Final and Irrevocable Consent for Standby Adoption shall be
7 substantially as follows:

8 STATE OF)

9) SS.

10 COUNTY OF)

11 I, (name of Judge or other person) (official
12 title, name, and address), certify that, personally
13 known to me to be the same person whose name is subscribed to
14 the foregoing Final and Irrevocable Consent to Standby
15 Adoption, appeared before me this day in person and
16 acknowledged that (she) (he) signed and delivered the consent
17 as (her) (his) free and voluntary act, for the specified
18 purpose.

19 I have fully explained that this consent to adoption is
20 valid only if the petition to adopt is filed, and that if the
21 specified person or persons, for any reason, cannot or will not
22 adopt the child or if the adoption petition is denied, then
23 this consent will be void. I have fully explained that if the
24 specified person or persons adopt the child, by signing this
25 consent (she) (he) is irrevocably and permanently
26 relinquishing all parental rights to the child, and (she) (he)
27 has stated that such is (her) (his) intention and desire.

28 Dated (insert date).

29 Signature.....

30 (4) If a consent to standby adoption is executed in this
31 form, the consent shall be valid only if the specified person
32 or persons adopt the child. The consent shall be void if:

33 (a) the specified person or persons do not file a petition
34 for standby adoption of the child; or

1 (b) a court denies the standby adoption petition.

2 The parent shall not need to take further action to revoke
3 the consent if the standby adoption by the specified person or
4 persons does not occur, notwithstanding the provisions of
5 Section 11 of this Act.

6 C. The form of surrender to any agency given by a parent of
7 a born child who is to be subsequently placed for adoption
8 shall be substantially as follows and shall contain such other
9 facts and statements as the particular agency shall require.

10 FINAL AND IRREVOCABLE SURRENDER

11 FOR PURPOSES OF ADOPTION

12 I, (relationship, e.g., mother, father, relative,
13 guardian) of, a ..male child, state:

14 That such child was born on, at

15 That I reside at, County of, and State of

16 That I am of the age of years.

17 That I do hereby surrender and entrust the entire custody
18 and control of such child to the (the "Agency"), a
19 (public) (licensed) child welfare agency with its principal
20 office in the City of, County of and State of,
21 for the purpose of enabling it to care for and supervise the
22 care of such child, to place such child for adoption and to
23 consent to the legal adoption of such child.

24 That I hereby grant to the Agency full power and authority
25 to place such child with any person or persons it may in its
26 sole discretion select to become the adopting parent or parents
27 and to consent to the legal adoption of such child by such
28 person or persons; and to take any and all measures which, in
29 the judgment of the Agency, may be for the best interests of
30 such child, including authorizing medical, surgical and dental
31 care and treatment including inoculation and anaesthesia for
32 such child.

33 That I wish to and understand that by signing this
34 surrender I do irrevocably and permanently give up all custody
35 and other parental rights I have to such child.

36 That I understand I cannot under any circumstances, after

1 signing this surrender, change my mind and revoke or cancel
2 this surrender or obtain or recover custody or any other rights
3 over such child.

4 That I have read and understand the above and I am signing
5 it as my free and voluntary act.

6 Dated (insert date).

7

8 D. The form of surrender to an agency given by a parent of
9 an unborn child who is to be subsequently placed for adoption
10 shall be substantially as follows and shall contain such other
11 facts and statements as the particular agency shall require.

12 SURRENDER OF UNBORN CHILD FOR
13 PURPOSES OF ADOPTION

14 I, (father), state:

15 That I am the father of a child expected to be born on or
16 about to (name of mother).

17 That I reside at, County of, and State of

18 That I am of the age of years.

19 That I do hereby surrender and entrust the entire custody
20 and control of such child to the (the "Agency"), a
21 (public) (licensed) child welfare agency with its principal
22 office in the City of, County of and State of,
23 for the purpose of enabling it to care for and supervise the
24 care of such child, to place such child for adoption and to
25 consent to the legal adoption of such child, and that I have
26 not previously executed a consent or surrender with respect to
27 such child.

28 That I hereby grant to the Agency full power and authority
29 to place such child with any person or persons it may in its
30 sole discretion select to become the adopting parent or parents
31 and to consent to the legal adoption of such child by such
32 person or persons; and to take any and all measures which, in
33 the judgment of the Agency, may be for the best interests of
34 such child, including authorizing medical, surgical and dental
35 care and treatment, including inoculation and anaesthesia for
36 such child.

1 That I wish to and understand that by signing this
2 surrender I do irrevocably and permanently give up all custody
3 and other parental rights I have to such child.

4 That I understand I cannot under any circumstances, after
5 signing this surrender, change my mind and revoke or cancel
6 this surrender or obtain or recover custody or any other rights
7 over such child, except that I have the right to revoke this
8 surrender by giving written notice of my revocation not later
9 than 72 hours after the birth of such child.

10 That I have read and understand the above and I am signing
11 it as my free and voluntary act.

12 Dated (insert date).
13

14 E. The form of consent required from the parents for the
15 adoption of an adult, when such adult elects to obtain such
16 consent, shall be substantially as follows:

17 CONSENT

18 I,, (father) (mother) of, an adult, state:
19 That I reside at, County of and State of

20 That I do hereby consent and agree to the adoption of such
21 adult by and

22 Dated (insert date).
23

24 F. The form of consent required for the adoption of a child
25 of the age of 14 years or upwards, or of an adult, to be given
26 by such person, shall be substantially as follows:

27 CONSENT

28 I,, state:
29 That I reside at, County of and State of

30 That I am of the age of years. That I consent and agree to
31 my adoption by and

32 Dated (insert date).
33

34 G. The form of consent given by an agency to the adoption
35 by specified persons of a child previously surrendered to it
36 shall set forth that the agency has the authority to execute

1 such consent. The form of consent given by a guardian of the
2 person of a child sought to be adopted, appointed by a court of
3 competent jurisdiction, shall set forth the facts of such
4 appointment and the authority of the guardian to execute such
5 consent.

6 H. A consent (other than that given by an agency, or
7 guardian of the person of the child sought to be adopted
8 appointed by a court of competent jurisdiction) shall be
9 acknowledged by a parent before the presiding judge of the
10 court in which the petition for adoption has been, or is to be
11 filed or before any other judge or hearing officer designated
12 or subsequently approved by the court, or the circuit clerk if
13 so authorized by the presiding judge or, except as otherwise
14 provided in this Act, before a representative of the Department
15 of Children and Family Services or a licensed child welfare
16 agency, or before social service personnel under the
17 jurisdiction of a court of competent jurisdiction, or before
18 social service personnel of the Cook County Department of
19 Supportive Services designated by the presiding judge.

20 I. A surrender, or any other document equivalent to a
21 surrender, by which a child is surrendered to an agency shall
22 be acknowledged by the person signing such surrender, or other
23 document, before a judge or hearing officer or the clerk of any
24 court of record, either in this State or any other state of the
25 United States, or before a representative of an agency or
26 before any other person designated or approved by the presiding
27 judge of the court in which the petition for adoption has been,
28 or is to be, filed.

29 J. The form of the certificate of acknowledgment for a
30 consent, a surrender, or any other document equivalent to a
31 surrender, shall be substantially as follows:

32 STATE OF)

33) SS.

34 COUNTY OF ...)

35 I, (Name of judge or other person), (official
36 title, name and location of court or status or position of

1 other person), certify that, personally known to me to be
 2 the same person whose name is subscribed to the foregoing
 3 (consent) (surrender), appeared before me this day in person
 4 and acknowledged that (she) (he) signed and delivered such
 5 (consent) (surrender) as (her) (his) free and voluntary act,
 6 for the specified purpose.

7 I have fully explained that by signing such (consent)
 8 (surrender) (she) (he) is irrevocably relinquishing all
 9 parental rights to such child or adult and (she) (he) has
 10 stated that such is (her) (his) intention and desire.

11 Dated (insert date).

12 Signature

13 K. When the execution of a consent or a surrender is
 14 acknowledged before someone other than a judge or the clerk of
 15 a court of record, such other person shall have his signature
 16 on the certificate acknowledged before a notary public, in form
 17 substantially as follows:

18 STATE OF)

19) SS.

20 COUNTY OF ...)

21 I, a Notary Public, in and for the County of, in the
 22 State of, certify that, personally known to me to
 23 be the same person whose name is subscribed to the foregoing
 24 certificate of acknowledgment, appeared before me in person and
 25 acknowledged that (she) (he) signed such certificate as (her)
 26 (his) free and voluntary act and that the statements made in
 27 the certificate are true.

28 Dated (insert date).

29 Signature Notary Public
 30 (official seal)

31 There shall be attached a certificate of magistracy, or
 32 other comparable proof of office of the notary public
 33 satisfactory to the court, to a consent signed and acknowledged
 34 in another state.

35 L. A surrender or consent executed and acknowledged outside

1 of this State, either in accordance with the law of this State
2 or in accordance with the law of the place where executed, is
3 valid.

4 M. Where a consent or a surrender is signed in a foreign
5 country, the execution of such consent shall be acknowledged or
6 affirmed in a manner conformable to the law and procedure of
7 such country.

8 N. If the person signing a consent or surrender is in the
9 military service of the United States, the execution of such
10 consent or surrender may be acknowledged before a commissioned
11 officer and the signature of such officer on such certificate
12 shall be verified or acknowledged before a notary public or by
13 such other procedure as is then in effect for such division or
14 branch of the armed forces.

15 O. (1) The parent or parents of a child in whose interests
16 a petition under Section 2-13 of the Juvenile Court Act of 1987
17 is pending may, with the approval of the designated
18 representative of the Department of Children and Family
19 Services, execute a consent to adoption by a specified person
20 or persons:

21 (a) in whose physical custody the child has resided for
22 at least 6 months; or

23 (b) in whose physical custody at least one sibling of
24 the child who is the subject of this consent has resided
25 for at least 6 months, and the child who is the subject of
26 this consent is currently residing in this foster home; or

27 (c) in whose physical custody a child under one year of
28 age has resided for at least 3 months.

29 A consent under this subsection O shall be acknowledged by a
30 parent pursuant to subsection H and subsection K of this
31 Section.

32 (2) The consent to adoption by a specified person or
33 persons shall have the caption of the proceeding in which it is
34 to be filed and shall be substantially as follows:

35 FINAL AND IRREVOCABLE CONSENT TO ADOPTION BY
36 A SPECIFIED PERSON OR PERSONS

1 I,, the
 2 (mother or father) of amale child,
 3 state:

4 1. My child (name of
 5 child) was born on (insert date) at
 6 Hospital in County, State of
 7

8 2. I reside at, County of
 9 and State of

10 3. I,, am years old.

11 4. I enter my appearance in this action to adopt my
 12 child by the person or persons specified herein by me and
 13 waive service of summons on me in this action only.

14 5. I consent to the adoption of my child by
 15 (specified person or
 16 persons) only.

17 6. I wish to sign this consent and I understand that by
 18 signing this consent I irrevocably and permanently give up
 19 all parental rights I have to my child if my child is
 20 adopted by (specified person
 21 or persons).

22 7. I understand my child will be adopted by
 23 (specified person or
 24 persons) only and that I cannot under any circumstances,
 25 after signing this document, change my mind and revoke or
 26 cancel this consent or obtain or recover custody or any
 27 other rights over my child if
 28 (specified person or persons) adopt my child.

29 8. I understand that this consent to adoption is valid
 30 only if the petition to adopt is filed within one year from
 31 the date that I sign it and that if
 32 (specified person or persons), for any reason, cannot or
 33 will not file a petition to adopt my child within that one
 34 year period or if their adoption petition is denied, then
 35 this consent will be voidable after one year upon the
 36 timely filing of my motion. If I file this motion before

1 the filing of the petition for adoption, I understand that
 2 the court shall revoke this specific consent. I have the
 3 right to notice of any other proceeding that could affect
 4 my parental rights, except for the proceeding for
 5 (specified person or persons) to adopt my
 6 child.

7 9. I have read and understand the above and I am
 8 signing it as my free and voluntary act.

9 Dated (insert date).

10

11 Signature of parent

12 (3) If the parent consents to an adoption by 2 specified
 13 persons, then the form shall contain 2 additional paragraphs in
 14 substantially the following form:

15 10. If (specified persons) get a
 16 divorce before the petition to adopt my child is granted,
 17 then (specified person) shall adopt my child. I
 18 understand that I cannot change my mind and revoke this
 19 consent or obtain or recover custody over my child if
 20 (specified persons) divorce and
 21 (specified person) adopts my child. I
 22 understand that I cannot change my mind and revoke this
 23 consent or obtain or recover custody over my child if
 24 (specified persons) divorce after the
 25 adoption is final. I understand that this consent to
 26 adoption has no effect on who will get custody of my child
 27 if they divorce after the adoption is final.

28 11. I understand that if either
 29 (specified persons) dies before the petition to adopt my
 30 child is granted, then the surviving person can adopt my
 31 child. I understand that I cannot change my mind and revoke
 32 this consent or obtain or recover custody over my child if
 33 the surviving person adopts my child.

34 A consent to adoption by specified persons on this form
 35 shall have no effect on a court's determination of custody or
 36 visitation under the Illinois Marriage and Dissolution of

1 Marriage Act if the marriage of the specified persons is
2 dissolved after the adoption is final.

3 (4) The form of the certificate of acknowledgement for a
4 Final and Irrevocable Consent for Adoption by a Specified
5 Person or Persons shall be substantially as follows:

6 STATE OF.....)

7) SS.

8 COUNTY OF.....)

9 I, (Name of Judge or other person),
10 (official title, name, and address),
11 certify that, personally known to me to be the
12 same person whose name is subscribed to the foregoing Final and
13 Irrevocable Consent for Adoption by a Specified Person or
14 Persons, appeared before me this day in person and acknowledged
15 that (she)(he) signed and delivered the consent as (her)(his)
16 free and voluntary act, for the specified purpose.

17 I have fully explained that this consent to adoption is
18 valid only if the petition to adopt is filed within one year
19 from the date that it is signed, and that if the specified
20 person or persons, for any reason, cannot or will not adopt the
21 child or if the adoption petition is denied, then this consent
22 will be voidable after one year upon the timely filing of a
23 motion by the parent to revoke the consent. I explained that if
24 this motion is filed before the filing of the petition for
25 adoption, the court shall revoke this specific consent. I have
26 fully explained that if the specified person or persons adopt
27 the child, by signing this consent this parent is irrevocably
28 and permanently relinquishing all parental rights to the child,
29 and this parent has stated that such is (her)(his) intention
30 and desire.

31 Dated (insert date).

32

33 Signature

34 (5) If a consent to adoption by a specified person or

1 persons is executed in this form, the following provisions
2 shall apply. The consent shall be valid only if that specified
3 person or persons adopt the child. The consent shall be
4 voidable after one year if:

5 (a) the specified person or persons do not file a
6 petition to adopt the child within one year after the
7 consent is signed and the parent files a timely motion to
8 revoke this consent. If this motion is filed before the
9 filing of the petition for adoption the court shall revoke
10 this consent; or

11 (b) a court denies the adoption petition; or

12 (c) the Department of Children and Family Services
13 Guardianship Administrator determines that the specified
14 person or persons will not or cannot complete the adoption,
15 or in the best interests of the child should not adopt the
16 child.

17 Within 30 days of the consent becoming void, the Department
18 of Children and Family Services Guardianship Administrator
19 shall make good faith attempts to notify the parent in writing
20 and shall give written notice to the court and all additional
21 parties in writing that the adoption has not occurred or will
22 not occur and that the consent is void. If the adoption by a
23 specified person or persons does not occur, no proceeding for
24 termination of parental rights shall be brought unless the
25 biological parent who executed the consent to adoption by a
26 specified person or persons has been notified of the proceeding
27 pursuant to Section 7 of this Act or subsection (4) of Section
28 2-13 of the Juvenile Court Act of 1987. The parent shall not
29 need to take further action to revoke the consent if the
30 specified adoption does not occur, notwithstanding the
31 provisions of Section 11 of this Act.

32 (6) The Department of Children and Family Services is
33 authorized to promulgate rules necessary to implement this
34 subsection O.

35 (7) The Department shall collect and maintain data
36 concerning the efficacy of specific consents. This data shall

1 include the number of specific consents executed and their
2 outcomes, including but not limited to the number of children
3 adopted pursuant to the consents, the number of children for
4 whom adoptions are not completed, and the reason or reasons why
5 the adoptions are not completed.

6 (Source: P.A. 91-357, eff. 7-29-99; 91-572, eff. 1-1-00;
7 92-320, eff. 1-1-02.)

8 (750 ILCS 50/13.1)

9 Sec. 13.1. Order for standby adoption.

10 (a) If it is proved to the satisfaction of the court, after
11 such investigation as the court deems necessary, that the
12 child's parent consents to or fails to object to the standby
13 adoption and adoption by the petitioner will be for the welfare
14 of the child, the court may enter an order for standby
15 adoption. However, the consenting ~~terminally ill~~ parent's
16 parental rights may not be terminated until consent becomes
17 effective.

18 (b) The order for standby adoption shall be final as to all
19 findings and shall be followed in the judgment of adoption
20 unless the court finds by clear and convincing evidence that it
21 is no longer in the best interest of the child for the adoption
22 to be finalized.

23 (c) Once the standby adoptive parent receives knowledge of
24 the death of the consenting ~~terminally ill~~ parent, or the
25 consenting ~~terminally ill~~ parent requests that a final judgment
26 for adoption be entered, the standby adoptive parent shall have
27 60 days to apply for a judgment for adoption.

28 (Source: P.A. 91-572, eff. 1-1-00.)

29 (750 ILCS 50/14) (from Ch. 40, par. 1517)

30 Sec. 14. Judgment.

31 (a) Prior to the entry of the judgment for order of
32 adoption in any case other than an adoption of a related child
33 or of an adult, each petitioner and each person, agency,
34 association, corporation, institution, society or organization

1 involved in the adoption of the child, except a child welfare
2 agency, shall execute an affidavit setting forth the hospital
3 and medical costs, legal fees, counseling fees, and any other
4 fees or expenditures paid in accordance with the Adoption
5 Compensation Prohibition Act.

6 (b) Before the entry of the judgment for adoption, each
7 child welfare agency involved in the adoption of the child
8 shall file an affidavit concerning the costs, expenses,
9 contributions, fees, compensation, or other things of value
10 which have been given, promised, or received including but not
11 limited to hospital and medical costs, legal fees, social
12 services, living expenses, or any other expenses related to the
13 adoption paid in accordance with the Adoption Compensation
14 Prohibition Act.

15 If the total amount paid by the child welfare agency is
16 \$4,500 or more, the affidavit shall contain an itemization of
17 expenditures.

18 If the total amount paid by the child welfare agency is
19 less than \$4,500, the agency may file an unitemized affidavit
20 stating that the total amount paid is less than \$4,500 unless
21 the court, in its discretion, requires that agency to file an
22 itemized affidavit.

23 (c) No affidavit need be filed in the case of an adoption
24 of a related child or an adult, nor shall an affidavit be
25 required to be filed by a non-consenting parent, or by any
26 judge, or clerk, involved in an official capacity in the
27 adoption proceedings.

28 (d) All affidavits filed in accordance with this Section
29 shall be under penalty of perjury and shall include, but are
30 not limited to, hospital and medical costs, legal fees, social
31 services, living expenses or any other expenses related to the
32 adoption or to the placement of the child, whether or not the
33 payments are permitted by applicable laws.

34 (e) Upon the expiration of 6 months after the date of any
35 interim order vesting temporary care, custody and control of a
36 child, other than a related child, in the petitioners, entered

1 pursuant to this Act, the petitioners may apply to the court
2 for a judgment of adoption. Notice of such application shall be
3 served by the petitioners upon the investigating agency or the
4 person making such investigation, and the guardian ad litem.
5 After the hearing on such application, at which the petitioners
6 and the child shall appear in person, unless their presence is
7 waived by the court for good cause shown, the court may enter a
8 judgment for adoption, provided the court is satisfied from the
9 report of the investigating agency or the person making the
10 investigation, and from the evidence, if any, introduced, that
11 the adoption is for the welfare of the child and that there is
12 a valid consent, or that no consent is required as provided in
13 Section 8 of this Act.

14 (f) A judgment for adoption of a related child, an adult,
15 or a child as to whose adoption an agency or person authorized
16 by law has the right of authority to consent may be entered at
17 any time after service of process and after the return day
18 designated therein.

19 (f-5) A standby adoption judgment may be entered upon
20 notice of the death of the consenting ~~terminally ill~~ parent or
21 upon the consenting ~~terminally ill~~ parent's request that a
22 final judgment for adoption be entered. The notice must be
23 provided to the court within 60 days after the standby adoptive
24 parent's receipt of knowledge of death of the consenting
25 ~~terminally ill~~ parent or the consenting ~~terminally ill~~ parent's
26 request that a final judgment for adoption be entered. If the
27 court finds that adoption is for the welfare of the child and
28 that there is a valid consent, including consent for standby
29 adoption, which is still in effect, or that no consent is
30 required under Section 8 of the Act, a judgment for adoption
31 shall be entered unless the court finds by clear and convincing
32 evidence that it is no longer in the best interest of the child
33 for the adoption to be finalized.

34 (g) No special findings of fact or certificate of evidence
35 shall be necessary in any case to support the judgment.

36 (h) Only the circuit court that entered the judgment of the

1 adoption may order the issuance of any contents of the court
2 file or that the original birth record of the adoptee be
3 provided to any persons.

4 (Source: P.A. 91-572, eff. 1-1-00.)