



Adoption Reform Committee

Adopted in House Comm. on Mar 13, 2008

09500HB4623ham001

LRB095 15988 AJ0 47841 a

1 AMENDMENT TO HOUSE BILL 4623

2 AMENDMENT NO. _____. Amend House Bill 4623 by deleting
3 everything after the enacting clause with the following:

4 "Section 5. The Adoption Act is amended by changing
5 Sections 18.04, 18.05, 18.06, 18.07, 18.1, 18.1a, 18.1b, 18.2,
6 18.3, 18.3a, 18.5, and 18.6 as follows:

7 (750 ILCS 50/18.04)

8 Sec. 18.04. Original Birth Certificate Access ~~The Illinois~~
9 ~~Adoption Registry and Medical Information Exchange;~~
10 legislative intent. The General Assembly recognizes that it is
11 the basic right of all persons to access their birth records,
12 and, to this end, supports public policy that allows an adult
13 adoptee to access his or her original birth certificate. The
14 General Assembly further recognizes that there are
15 circumstances under which a birth parent may have compelling
16 reasons for wishing to remain anonymous to a child he or she

1 surrendered for adoption. In an effort to balance these
2 interests, the General Assembly supports public policy that
3 releases a non-certified copy of the original birth certificate
4 to an adult adopted person upon request unless a specific
5 request for anonymity has been filed with the Registry by a
6 birth parent named on the original birth certificate ~~the~~
7 ~~importance of creating a procedure by which mutually consenting~~
8 ~~adult members of birth and adoptive families, and adult adopted~~
9 ~~or surrendered persons may voluntarily exchange vital medical~~
10 ~~information throughout the life of the adopted or surrendered~~
11 ~~person. The General Assembly supports public policy that~~
12 ~~requires explicit mutual consent prior to the release of~~
13 ~~confidential information. The General Assembly further~~
14 ~~recognizes that it is in the best interest of adopted and~~
15 ~~surrendered persons that birth family medical histories and the~~
16 ~~preferences regarding contact of all parties to an adoption be~~
17 ~~compiled, preserved and provided to mutually consenting~~
18 ~~members of birth and adoptive families.~~

19 (Source: P.A. 94-173, eff. 1-1-06.)

20 (750 ILCS 50/18.05)

21 Sec. 18.05. The Illinois Adoption Registry and Medical
22 Information Exchange.

23 (a) General function. Subject to appropriation, the
24 Department of Public Health shall administer the Illinois
25 Adoption Registry and Medical Information Exchange in the

1 manner outlined in subsections (b) and (c) for the purpose of
2 facilitating the voluntary exchange of identifying and medical
3 information between mutually consenting members of birth and
4 adoptive families. The Department shall establish rules for the
5 confidential operation of the Illinois Adoption Registry. The
6 Department shall conduct a public information campaign through
7 public service announcements and other forms of media coverage
8 and, until December 31, 2010, through notices enclosed with
9 driver's license renewal applications, shall inform the public
10 of the Illinois Adoption Registry and Medical Information
11 Exchange. From October 1, 2008, to April 1, 2009, such
12 information campaign shall expressly inform the public of the
13 circumstances under which an adult adopted or surrendered
14 person may receive a non-certified copy of his or her original
15 birth certificate and any procedures pursuant to which a birth
16 parent may file a Birth Parent Preference Form to express his
17 or her preferences with respect to contact and the release of
18 identifying information that appears on the original birth
19 certificate. The Illinois Adoption Registry shall also
20 maintain an informational Internet site where interested
21 parties may access information about the Illinois Adoption
22 Registry and Medical Information Exchange and download all
23 necessary application forms. The Illinois Adoption Registry
24 shall maintain statistical records regarding Registry
25 participation and publish and circulate to the public
26 informational material about the function and operation of the

1 Registry.

2 (b) Establishment of the Adoption/Surrender Records File.

3 When a person has voluntarily registered with the Illinois
4 Adoption Registry and completed an Illinois Adoption Registry
5 Application or a Registration Identification Form, the
6 Registry shall establish a new Adoption/Surrender Records
7 File. Such file may concern an adoption that was finalized by a
8 court action in the State of Illinois, an adoption of a person
9 born in Illinois finalized by a court action in a state other
10 than Illinois or in a foreign country, a surrender taken in the
11 State of Illinois, or an adoption filed according to Section
12 16.1 of the Vital Records Act under a Record of Foreign Birth
13 that was not finalized by a court action in the State of
14 Illinois. Such file may be established for adoptions or
15 surrenders finalized prior to as well as after the effective
16 date of this amendatory Act. A file may be created in any
17 manner to preserve documents including but not limited to
18 microfilm, optical imaging, or electronic documents.

19 (c) Contents of the Adoption/Surrender Records File. An
20 established Adoption/Surrender Records File shall be limited
21 to the following items, to the extent that they are available:

22 (1) The General Information Section and Medical
23 Information Exchange Questionnaire of any Illinois
24 Adoption Registry Application or a Registration
25 Identification Form which has been voluntarily completed
26 by any registered party.

1 (2) Any photographs voluntarily provided by any
2 registrant for any other registered party at the time of
3 registration or any time thereafter. All such photographs
4 shall be submitted in an unsealed envelope no larger than 8
5 1/2" x 11", and shall not include identifying information
6 pertaining to any person other than the registrant who
7 submitted them. Any such identifying information shall be
8 redacted by the Department or the information shall be
9 returned for removal of identifying information.

10 (3) Any Information Exchange Authorization, ~~or~~ Denial
11 of Information Exchange, or Birth Parent Preference Form
12 which has been filed by a registrant.

13 (4) For all adoptions finalized after January 1, 2000,
14 copies of the original certificate of live birth and the
15 certificate of adoption.

16 (5) Any updated address submitted by any registered
17 party about himself or herself.

18 (6) Any proof of death that ~~which~~ has been submitted by
19 a registrant.

20 (7) Any birth certificate that has been submitted by a
21 registrant.

22 (8) Any marriage certificate that has been submitted by
23 a registrant.

24 (9) Any proof of guardianship that has been submitted
25 by a registrant.

26 (10) Any Request for a Non-Certified Copy of an

1 Original Birth Certificate that has been filed with the
2 Registry by an adult adopted or surrendered person or by a
3 surviving adult child or surviving spouse of a deceased
4 adopted or surrendered person who has registered with the
5 Registry.

6 (d) An established Adoption/Surrender Records File for an
7 adoption filed in Illinois under a Record of Foreign Birth that
8 was not finalized in a court action in the State of Illinois
9 shall be limited to the following items submitted to the State
10 Registrar of Vital Records under Section 16.1 of the Vital
11 Records Act, to the extent that they are available:

12 (1) Evidence as to the child's birth date and
13 birthplace (including the country of birth and, if
14 available, the city and province of birth) provided by the
15 original birth certificate, or by a certified copy,
16 extract, or translation thereof or by other document
17 essentially equivalent thereto (the records of the U.S.
18 Immigration and Naturalization Service or of the U.S.
19 Department of State to be considered essentially
20 equivalent thereto).

21 (2) A certified copy, extract, or translation of the
22 adoption decree or other document essentially equivalent
23 thereto (the records of the U.S. Immigration and
24 Naturalization Service or of the U.S. Department of State
25 to be considered essentially equivalent thereto).

26 (3) A copy of the IR-3 visa.

1 (4) The name and address of the adoption agency that
2 handled the adoption.

3 (Source: P.A. 94-173, eff. 1-1-06; 94-430, eff. 8-2-05; 95-331,
4 eff. 8-21-07.)

5 (750 ILCS 50/18.06)

6 Sec. 18.06. Definitions. When used in Sections 18.05
7 through Section 18.6, for the purposes of the Registry:

8 "Adopted person" means a person who was adopted pursuant to
9 the laws in effect at the time of the adoption.

10 "Adoptive parent" means a person who has become a parent
11 through the legal process of adoption.

12 "Adult child" means the biological child 21 years of age or
13 over of a deceased adopted or surrendered person.

14 "Adult Adopted or Surrendered Person" means an adopted or
15 surrendered person 21 years of age or over.

16 "Agency" means a public child welfare agency or a licensed
17 child welfare agency.

18 "Birth aunt" means the adult full or half sister of a
19 deceased birth parent.

20 "Birth father" means the biological father of an adopted or
21 surrendered person who is named on the original certificate of
22 live birth or on a consent or surrender document, or a
23 biological father whose paternity has been established by a
24 judgment or order of the court, pursuant to the Illinois
25 Parentage Act of 1984.

1 "Birth mother" means the biological mother of an adopted or
2 surrendered person.

3 "Birth parent" means a birth mother or birth father of an
4 adopted or surrendered person.

5 "Birth Parent Preference Form" means the form prepared by
6 the Department of Public Health pursuant to Section 18.2
7 completed by a birth parent registrant and filed with the
8 Registry that indicates the birth parent's preferences
9 regarding contact and the release of his or her identifying
10 information on the non-certified copy of the original birth
11 certificate released to an adult adopted or surrendered person
12 or to the surviving adult child or surviving spouse of a
13 deceased adopted or surrendered person who has filed a Request
14 for a Non-Certified Copy of an Original Birth Certificate.

15 "Birth relative" means a birth mother, birth father, birth
16 sibling, birth aunt, or birth uncle.

17 "Birth sibling" means the adult full or half sibling of an
18 adopted or surrendered person.

19 "Birth uncle" means the adult full or half brother of a
20 deceased birth parent.

21 "Confidential Intermediary" means an individual certified
22 by the Department of Children and Family Services pursuant to
23 Sec. 18.3a(e).

24 "Denial of Information Exchange" means an affidavit
25 completed by a registrant with the Illinois Adoption Registry
26 and Medical Information Exchange denying the release of

1 identifying information which has been filed with the Registry.

2 "Information Exchange Authorization" means an affidavit
3 completed by a registrant with the Illinois Adoption Registry
4 and Medical Information Exchange authorizing the release of
5 identifying information which has been filed with the Registry.

6 "Medical Information Exchange Questionnaire" means the
7 medical history questionnaire completed by a registrant of the
8 Illinois Adoption Registry and Medical Information Exchange.

9 "Non-certified Copy of the Original Birth Certificate"
10 means a non-certified copy of the original certificate of live
11 birth of an adult adopted or surrendered person who was born in
12 Illinois.

13 "Proof of death" means a death certificate.

14 "Registrant" or "Registered Party" means a birth parent,
15 birth sibling, birth aunt, birth uncle, adopted or surrendered
16 person 21 years of age or over, adoptive parent or legal
17 guardian of an adopted or surrendered person under the age of
18 21, or adoptive parent, surviving spouse, or adult child of a
19 deceased adopted or surrendered person who has filed an
20 Illinois Adoption Registry Application or Registration
21 Identification Form with the Registry.

22 "Registry" means the Illinois Adoption Registry and
23 Medical Information Exchange.

24 "Request for a Non-Certified Copy of an Original Birth
25 Certificate" means an affidavit completed by an adult adopted
26 or surrendered person or by the surviving adult child or

1 surviving spouse of a deceased adopted or surrendered person
2 and filed with the Registry requesting a non-certified copy of
3 an adult adopted or surrendered person's original certificate
4 of live birth in Illinois.

5 "Surrendered person" means a person whose parents' rights
6 have been surrendered or terminated but who has not been
7 adopted.

8 "Surviving spouse" means the wife or husband of a deceased
9 adopted or surrendered person who has one or more biological
10 children under the age of 21.

11 "18.3 Statement" means a statement regarding the
12 disclosure of identifying information signed by a birth parent
13 under former Section 18.3 of the Adoption Act prior to the
14 enactment of this Section.

15 (Source: P.A. 94-173, eff. 1-1-06.)

16 (750 ILCS 50/18.07)

17 Sec. 18.07. Adoption Registry Advisory Council. There is
18 established an Adoption Registry Advisory Council. The Council
19 shall meet twice yearly, and at least once yearly jointly with
20 the Confidential Intermediary Advisory Council. The Council
21 shall be chaired by the Director of the Department of Public
22 Health or his designee. The Council shall include the Director
23 of the Department of Children and Family Services or his
24 designee. The Council shall also include one representative
25 from each of the following organizations: Adoption Advocates of

1 Illinois, Adoptive Families Today, American Adoption Congress,
2 Catholic Conference of Illinois, Chicago Area Families for
3 Adoption, Chicago Bar Association, Child Care Association of
4 Illinois, Children Remembered, Inc., Children's Home and Aid
5 Society of Illinois, Child Welfare Advisory Council, The
6 Cradle, Healing Hearts, Illinois Foster Parents Association,
7 Illinois State Bar Association, Illinois State Medical
8 Society, Jewish Children's Bureau, Kids Help Foundation, LDS
9 Social Services, Lutheran Social Services of Illinois,
10 Maryville Academy, Midwest Adoption Center, St. Mary's
11 Services, Stars of David, and Truthseekers in Adoption.

12 If any one of the above named organizations notifies the
13 Director of the Department of Public Health in writing that the
14 organization does not wish to participate on the Advisory
15 Council or that the organization is no longer functioning, the
16 Director shall appoint another organization that represents
17 the same constituency as the named organization to replace the
18 named organization on the Council.

19 The Council's responsibilities shall include the following:

20 1) Advising the Department on the development of rules,
21 procedures, and forms utilized by the Illinois Adoption
22 Registry and Medical Information Exchange;

23 2) Making recommendations regarding the procedures,
24 tools and technology that will ensure efficient and
25 effective operation of the Registry;

26 ~~3) Submitting a report to the Governor and the General~~

1 ~~Assembly no later than January 1, 2001, on the status of~~
2 ~~the Registry, an evaluation of the effectiveness of the~~
3 ~~Registry, and pertinent statistics regarding the Registry;~~

4 3) ~~4)~~ Assisting the Department with the development,
5 publication, and circulation of an informational pamphlet
6 that describes the purpose, function, and mechanics of the
7 Illinois Adoption Registry and Medical Information
8 Exchange, including information about who is eligible to
9 register and how to register; information about the
10 questions and concerns that registrants may develop when
11 they register or when they receive information from the
12 Registry; and a list of services, programs, groups, and
13 informational websites that are available to assist
14 registrants with their questions and concerns.

15 4) Collecting statistical data and empirical
16 information concerning the procedures in the Registry
17 including, but not limited to, data concerning the filing
18 of Denials of Information Exchange, Information Exchange
19 Authorizations, Requests for a Non-Certified Copy of an
20 Original Birth Certificate and Birth Parent Preference
21 Forms.

22 (Source: P.A. 91-417, eff. 1-1-00.)

23 (750 ILCS 50/18.1) (from Ch. 40, par. 1522.1)

24 Sec. 18.1. Disclosure of identifying information.

25 (a) The Department of Public Health shall establish and

1 maintain a Registry for the purpose of allowing ~~providing~~
2 ~~identifying information to~~ mutually consenting members of
3 birth and adoptive families to exchange identifying and medical
4 information. Identifying information for the purpose of this
5 Act shall mean any one or more of the following:

6 (1) The name and last known address of the consenting
7 person or persons.

8 (2) A copy of the Illinois Adoption Registry
9 Application of the consenting person or persons.

10 (3) A non-certified copy of the original birth
11 certificate ~~of live birth~~ of an adult ~~the~~ adopted or
12 surrendered person.

13 (b) Written authorization from all parties identified must
14 be received prior to disclosure of any identifying information,
15 with the exception of non-certified copies of original birth
16 certificates released to adult adopted or surrendered persons
17 or to surviving adult children and surviving spouses of
18 deceased adopted or surrendered persons pursuant to the
19 procedures outlined in Section 18.1b(e).

20 (c) ~~(b)~~ At any time after a child is surrendered for
21 adoption, or at any time during the adoption proceedings or at
22 any time thereafter, either birth parent or both of them may
23 file with the Registry a Birth Parent Registration
24 Identification Form and an Information Exchange Authorization
25 or a Denial of Information Exchange.

26 (d) ~~(b-5)~~ A birth sibling 21 years of age or over who was

1 not surrendered for adoption and who has submitted a copy of
2 his or her birth certificate as well as proof of death for a
3 deceased birth parent and such birth parent did not file a
4 Denial of Information Exchange with the Registry prior to his
5 or her death may file a Registration Identification Form and an
6 Information Exchange Authorization or a Denial of Information
7 Exchange.

8 (e) ~~(b-7)~~ A birth aunt or birth uncle who has submitted
9 birth certificates for himself or herself and for a deceased
10 birth parent naming at least one common biological parent as
11 well as proof of death for the deceased birth parent and such
12 birth parent did not file a Denial of Information Exchange with
13 the Registry prior to his or her death may file a Registration
14 Identification Form and an Information Exchange Authorization
15 or a Denial of Information Exchange.

16 (f) ~~(e)~~ Any adopted person 21 years of age or over, any
17 surrendered person 21 years of age or over, or any adoptive
18 parent or legal guardian of an adopted or surrendered person
19 under the age of 21 may file with the Registry a Registration
20 Identification Form and an Information Exchange Authorization
21 or a Denial of Information Exchange.

22 (g) ~~(e-3)~~ Any adult child 21 years of age or over of a
23 deceased adopted or surrendered person who has submitted a copy
24 of his or her birth certificate naming an adopted or
25 surrendered person as his or her biological parent as well as
26 proof of death for the deceased adopted or surrendered person

1 and such adopted or surrendered person did not file a Denial of
2 Information Exchange with the Registry prior to his or her
3 death may file a Registration Identification Form and an
4 Information Exchange Authorization or a Denial of Information
5 Exchange.

6 (h) ~~(e-5)~~ Any surviving spouse of a deceased adopted or
7 surrendered person 21 years of age or over who has submitted
8 proof of death for the deceased adopted or surrendered person
9 and such adopted or surrendered person did not file a Denial of
10 Information Exchange with the Registry prior to his or her
11 death as well as a birth certificate naming themselves and the
12 adopted or surrendered person as the parents of a minor child
13 under the age of 21 may file a Registration Identification Form
14 and an Information Exchange Authorization or a Denial of
15 Information Exchange.

16 (i) ~~(e-7)~~ Any adoptive parent or legal guardian of a
17 deceased adopted or surrendered person 21 years of age or over
18 who has submitted proof of death as well as proof of parentage
19 or guardianship for the deceased adopted or surrendered person
20 and such adopted or surrendered person did not file a Denial of
21 Information Exchange with the Registry prior to his or her
22 death may file a Registration Identification Form and an
23 Information Exchange Authorization or a Denial of Information
24 Exchange.

25 (j) ~~(d)~~ The Department of Public Health shall supply to the
26 adopted or surrendered person or his or her adoptive parents,

1 legal guardians, adult children or surviving spouse, and to the
2 birth parents identifying information only if both the adopted
3 or surrendered person, or one of his or her adoptive parents,
4 legal guardians, adult children or his or her surviving spouse,
5 and the birth parents have filed with the Registry an
6 Information Exchange Authorization and the information at the
7 Registry indicates that the consenting adopted or surrendered
8 person, the child of the consenting adoptive parents or legal
9 guardians, the parent of the consenting adult child of the
10 adopted or surrendered person, or the deceased wife or husband
11 of the consenting surviving spouse is the child of the
12 consenting birth parents, except identifying information that
13 appears on a non-certified copy of an original birth
14 certificate may be provided to an adult adopted or surrendered
15 person or to the surviving adult child or surviving spouse of a
16 deceased adopted or surrendered person pursuant to the
17 procedures outlined in Section 18.1b(e) of this Act.

18 The Department of Public Health shall supply to adopted or
19 surrendered persons who are birth siblings identifying
20 information only if both siblings have filed with the Registry
21 an Information Exchange Authorization and the information at
22 the Registry indicates that the consenting siblings have one or
23 both birth parents in common. Identifying information shall be
24 supplied to consenting birth siblings who were adopted or
25 surrendered if any such sibling is 21 years of age or over.
26 Identifying information shall be supplied to consenting birth

1 siblings who were not adopted or surrendered if any such
2 sibling is 21 years of age or over and has proof of death of the
3 common birth parent and such birth parent did not file a Denial
4 of Information Exchange with the Registry prior to his or her
5 death.

6 (k) ~~(d-3)~~ The Department of Public Health shall supply to
7 the adopted or surrendered person or his or her adoptive
8 parents, legal guardians, adult children or surviving spouse,
9 and to a birth aunt identifying information only if both the
10 adopted or surrendered person or one of his or her adoptive
11 parents, legal guardians, adult children or his or her
12 surviving spouse, and the birth aunt have filed with the
13 Registry an Information Exchange Authorization and the
14 information at the Registry indicates that the consenting
15 adopted or surrendered person, or the child of the consenting
16 adoptive parents or legal guardians, or the parent of the
17 consenting adult child, or the deceased wife or husband of the
18 consenting surviving spouse of the adopted or surrendered
19 person is or was the child of the brother or sister of the
20 consenting birth aunt.

21 (l) ~~(d-5)~~ The Department of Public Health shall supply to
22 the adopted or surrendered person or his or her adoptive
23 parents, legal guardians, adult children or surviving spouse,
24 and to a birth uncle identifying information only if both the
25 adopted or surrendered person or one of his or her adoptive
26 parents, legal guardians, adult children or his or her

1 surviving spouse, and the birth uncle have filed with the
2 Registry an Information Exchange Authorization and the
3 information at the Registry indicates that the consenting
4 adopted or surrendered person, or the child of the consenting
5 adoptive parents or legal guardians, or the parent of the
6 consenting adult child, or the deceased wife or husband of the
7 consenting surviving spouse of the adopted or surrendered
8 person is or was the child of the brother or sister of the
9 consenting birth uncle.

10 (m) ~~(e)~~ A registrant may notify the Registry of his or her
11 desire not to have identifying information ~~his or her identity~~
12 revealed or may revoke any previously filed Information
13 Exchange Authorization by completing and filing with the
14 Registry a Registry Identification Form along with a Denial of
15 Information Exchange. ~~The Illinois Adoption Registry~~
16 ~~Application does not need to be completed in order to file a~~
17 ~~Denial of Information Exchange.~~ Any registrant, except a birth
18 parent, may revoke his or her Denial of Information Exchange by
19 filing an Information Exchange Authorization. A birth parent
20 may revoke a Denial of Information Exchange by filing a Birth
21 Parent Preference Form. Any birth parent who has previously
22 filed a Birth Parent Preference Form where Option E was
23 selected may revoke such preference by filing a subsequent
24 Birth Parent Preference Form and selecting Option A, B, C, or
25 D. The Department of Public Health shall act in accordance with
26 the most recently filed affidavit ~~Authorization.~~

1 (n) ~~(f)~~ Identifying information ascertained from the
2 Registry shall be confidential and may be disclosed only (1)
3 upon a Court Order, which order shall name the person or
4 persons entitled to the information, or (2) to a registrant who
5 is the subject of an Information Exchange Authorization that
6 was completed by another registrant and filed with the Illinois
7 Adoption Registry and Medical Information Exchange, or (3) as
8 authorized under subsection (h) of Section 18.3 of this Act, or
9 (4) pursuant to the procedures outlined in Section 18.1b(e) of
10 this Act. ~~A copy of the certificate of live birth shall only be~~
11 ~~released to an adopted or surrendered person who was born in~~
12 ~~Illinois and who is the subject of an Information Exchange~~
13 ~~Authorization filed by one of his or her birth relatives.~~ Any
14 person who willfully provides unauthorized disclosure of any
15 information filed with the Registry or who knowingly or
16 intentionally files false information with the Registry shall
17 be guilty of a Class A misdemeanor and shall be liable for
18 damages.

19 (o) ~~(g)~~ If information is disclosed pursuant to this Act,
20 the Department shall redact it to remove any identifying
21 information about any party who has not consented to the
22 disclosure of such identifying information, and in the case of
23 identifying information on the original birth certificate,
24 pursuant to Section 18.1b(e) of this Act.

25 (Source: P.A. 94-173, eff. 1-1-06.)

1 (750 ILCS 50/18.1a)

2 Sec. 18.1a. Registry matches.

3 (a) The Registry shall release identifying information, as
4 specified on the applicant's Information Exchange
5 Authorization, to the following mutually consenting registered
6 parties and provide them with any photographs or correspondence
7 which have been placed in the Adoption/Surrender Records File
8 and are specifically intended for the registered parties:

9 (i) an adult adopted or surrendered person and one of
10 his or her birth relatives who have both filed an
11 applicable Information Exchange Authorization specifying
12 the other consenting party with the Registry, if
13 information available to the Registry confirms that the
14 consenting adopted or surrendered person is biologically
15 related to the consenting birth relative;

16 (ii) the adoptive parent or legal guardian of an
17 adopted or surrendered person under the age of 21 and one
18 of the adopted or surrendered person's birth relatives who
19 have both filed an Information Exchange Authorization
20 specifying the other consenting party with the Registry, if
21 information available to the Registry confirms that the
22 child of the consenting adoptive parent or legal guardian
23 is biologically related to the consenting birth relative;
24 and

25 (iii) the adoptive parent, adult child or surviving
26 spouse of a deceased adopted or surrendered person, and one

1 of the adopted or surrendered person's birth relatives who
2 have both filed an applicable Information Exchange
3 Authorization specifying the other consenting party with
4 the Registry, if information available to the Registry
5 confirms that child of the consenting adoptive parent, the
6 parent of the consenting adult child or the deceased wife
7 or husband of the consenting surviving spouse of the
8 adopted or surrendered person was biologically related to
9 the consenting birth relative.

10 (b) If a registrant is the subject of a Denial of
11 Information Exchange filed by another registered party, the
12 Registry shall not release identifying information to either
13 registrant with the exception of non-certified copies of the
14 original birth certificate released under Section 18.1b(e),
15 and as to a birth parent who has prohibited release of
16 identifying information on the original birth certificate to
17 the adult adopted or surrendered person, upon the death of said
18 birth parent.

19 (c) If a registrant has completed a Medical Information
20 Exchange Questionnaire and has consented to its disclosure,
21 that Questionnaire shall be released to any registered party
22 who has indicated their desire to receive such information on
23 his or her Illinois Adoption Registry Application, if
24 information available to the Registry confirms that the
25 consenting parties are biologically related, that the
26 consenting birth relative and the child of the consenting

1 adoptive parents or legal guardians are birth relatives, or
2 that the consenting birth relative and the deceased wife or
3 husband of the consenting surviving spouse are birth relatives.
4 (Source: P.A. 94-173, eff. 1-1-06.)

5 (750 ILCS 50/18.1b)

6 Sec. 18.1b. The Illinois Adoption Registry Application.
7 The Illinois Adoption Registry Application shall substantially
8 include the following:

9 (a) General Information. The Illinois Adoption Registry
10 Application shall include the space to provide Information
11 about the registrant including his or her surname, given name
12 or names, social security number (optional), mailing address,
13 home telephone number, gender, date and place of birth, and the
14 date of registration. If applicable and known to the
15 registrant, he or she may include the maiden surname of the
16 birth mother, any subsequent surnames of the birth mother, the
17 surname of the birth father, the given name or names of the
18 birth parents, the dates and places of birth of the birth
19 parents, the surname and given name or names of the adopted
20 person prior to adoption, the gender and date and place of
21 birth of the adopted or surrendered person, the name of the
22 adopted person following his or her adoption and the state and
23 county where the judgment of adoption was finalized.

24 (b) Medical Information Exchange Questionnaire. In
25 recognition of the importance of medical information and of

1 recent discoveries regarding the genetic origin of many medical
2 conditions and diseases all registrants shall be asked to
3 voluntarily complete a Medical Information Exchange
4 Questionnaire.

5 (1) For birth relatives, the Medical Information
6 Exchange Questionnaire shall include a comprehensive
7 check-list of medical conditions and diseases including
8 those of genetic origin. Birth relatives shall be asked to
9 indicate all genetically-inherited diseases and conditions
10 on this list which are known to exist in the adopted or
11 surrendered person's birth family at the time of
12 registration. In addition, all birth relatives shall be
13 apprised of the Registry's provisions for voluntarily
14 submitting information about their and their family's
15 medical histories on a confidential, ongoing basis.

16 (2) Adopted and surrendered persons and their adoptive
17 parents, legal guardians, adult children, and surviving
18 spouses shall be asked to indicate all
19 genetically-inherited diseases and medical conditions with
20 which the adopted or surrendered person or, if applicable,
21 his or her children have been diagnosed since birth.

22 (3) The Medical Information Exchange Questionnaire
23 shall include a space where the registrant may authorize
24 the release of the Medical Information Exchange
25 Questionnaire to specified registered parties and a
26 disclaimer informing registrants that the Department of

1 Public Health cannot guarantee the accuracy of medical
2 information exchanged through the Registry.

3 (c) Written statement. All registrants shall be given the
4 opportunity to voluntarily file a written statement with the
5 Registry. This statement shall be submitted in the space
6 provided. No written statement submitted to the Registry shall
7 include identifying information pertaining to any person other
8 than the registrant who submitted it. Any such identifying
9 information shall be redacted by the Department or returned for
10 removal of identifying information.

11 (d) Exchange of ~~Contact~~ information. All registrants may
12 indicate their wishes regarding contact and the exchange of
13 identifying and/or medical information with any other
14 registrant by completing an Information Exchange Authorization
15 or a Denial of Information Exchange.

16 (1) Information Exchange Authorization. Adopted or
17 surrendered persons 21 years of age or over who are
18 interested in exchanging identifying and/or medical
19 information or would welcome contact with one or more of
20 their birth relatives; birth parents who are interested in
21 exchanging identifying and/or medical information or would
22 welcome contact with an adopted or surrendered person 21
23 years of age or over, or one or more of his or her adoptive
24 parents, legal guardians, adult children, or a surviving
25 spouse; birth siblings 21 years of age or over who were
26 adopted or surrendered and who are interested in exchanging

1 identifying and/or medical information or would welcome
2 contact with an adopted or surrendered person, or one or
3 more of his or her adoptive parents, legal guardians, adult
4 children, or a surviving spouse; birth siblings 21 years of
5 age or over who were not surrendered and who have submitted
6 proof of death for any common birth parent who did not file
7 a Denial of Information Exchange prior to his or her death,
8 and who are interested in exchanging identifying and/or
9 medical information or would welcome contact with an
10 adopted or surrendered person, or one or more of his or her
11 adoptive parents, legal guardians, adult children, or a
12 surviving spouse; birth aunts and birth uncles 21 years of
13 age or over who have submitted birth certificates for
14 themselves and a deceased birth parent naming at least one
15 common biological parent as well as proof of death for a
16 deceased birth parent who did not file a Denial of
17 Information Exchange prior to his or her death and who are
18 interested in exchanging identifying and/or medical
19 information or would welcome contact with an adopted or
20 surrendered person 21 years of age or over, or one or more
21 of his or her adoptive parents, legal guardians, adult
22 children or a surviving spouse; adoptive parents or legal
23 guardians of adopted or surrendered persons under the age
24 of 21 who are interested in exchanging identifying and/or
25 medical information or would welcome contact with one or
26 more of the adopted or surrendered person's birth

1 relatives; adoptive parents and legal guardians of
2 deceased adopted or surrendered persons 21 years of age or
3 over who have submitted proof of death for a deceased
4 adopted or surrendered person who did not file a Denial of
5 Information Exchange prior to his or her death and who are
6 interested in exchanging identifying and/or medical
7 information or would welcome contact with one or more of
8 the adopted or surrendered person's birth relatives; adult
9 children of deceased adopted or surrendered persons who
10 have submitted a birth certificate naming the adopted or
11 surrendered person as their biological parent and proof of
12 death for an adopted or surrendered person who did not file
13 a Denial of Information Exchange prior to his or her death;
14 and surviving spouses of deceased adopted or surrendered
15 persons who have submitted a marriage certificate naming an
16 adopted or surrendered person as their deceased wife or
17 husband and proof of death for an adopted or surrendered
18 person who did not file a Denial of Information Exchange
19 prior to his or her death and who are interested in
20 exchanging identifying and/or medical information or would
21 welcome contact with one or more of the adopted or
22 surrendered person's birth relatives may specify with whom
23 they wish to exchange identifying information by filing an
24 Information Exchange Authorization.

25 (2) Denial of Information Exchange. Adopted or
26 surrendered persons 21 years of age or over who do not wish

1 to exchange identifying information or establish contact
2 with one or more of their birth relatives may specify with
3 whom they do not wish to exchange identifying information
4 or do not wish to establish contact by filing a Denial of
5 Information Exchange. Birth relatives who do not wish to
6 establish contact with an adopted or surrendered person or
7 one or more of his or her adoptive parents, legal
8 guardians, or adult children may specify with whom they do
9 not wish to exchange identifying information or do not wish
10 to establish contact by filing a Denial of Information
11 Exchange. Birth parents who wish to prohibit the release of
12 their identifying information on the original birth
13 certificate released to an adult adopted or surrendered
14 person who was born after January 1, 1946, or to the
15 surviving adult child or surviving spouse of a deceased
16 adopted or surrendered person who was born after January 1,
17 1946, may do so by filing a Denial with the Registry on or
18 before December 31, 2008. As of January 1, 2009, birth
19 parents who wish to prohibit the release of identifying
20 information on the non-certified copy of the original birth
21 certificate released to an adult adopted surrendered
22 person or to the surviving adult child or surviving spouse
23 of a deceased adopted or surrendered person may do so by
24 selecting Option E on a Birth Parent Preference Form and
25 filing the Form with the Registry. Adoptive parents or
26 legal guardians of adopted or surrendered persons under the

1 age of 21 who do not wish to establish contact with one or
2 more of the adopted or surrendered person's birth relatives
3 may specify with whom they do not wish to exchange
4 identifying information by filing a Denial of Information
5 Exchange. Adoptive parents, adult children, and surviving
6 spouses of deceased adoptees who do not wish to exchange
7 identifying information or establish contact with one or
8 more of the adopted or surrendered person's birth relatives
9 may specify with whom they do not wish to exchange
10 identifying information or do not wish to establish contact
11 by filing a Denial of Information Exchange. ~~The Illinois~~
12 ~~Adoption Registry Application does not need to be completed~~
13 ~~in order to file a Denial of Information Exchange.~~

14 (3) Birth Parent Preference Form. Beginning January 1,
15 2009, birth parents who are eligible to register with the
16 Illinois Adoption Registry and Medical Information
17 Exchange and who wish to communicate their wishes regarding
18 contact and/or the release of their identifying
19 information on the non-certified copy of the original birth
20 certificate released to an adult adopted or surrendered
21 person or the surviving adult child or surviving spouse of
22 a deceased adopted or surrendered person who has requested
23 a copy of the adopted or surrendered person's original
24 birth certificate by filing a Request for a Non-Certified
25 Copy of an Original Birth Certificate pursuant to
26 subsection (e) of this Section, may file a Birth Parent

1 Preference Form with the Registry. All Birth Parent
2 Preference Forms on file with the Registry at the time of
3 receipt of a Request for a Non-Certified Copy of an
4 Original Birth Certificate from an adult adopted or
5 surrendered person or the surviving adult child or
6 surviving spouse of a deceased adopted or surrendered
7 person shall be forwarded to the relevant adopted or
8 surrendered person or surviving adult child or surviving
9 spouse of a deceased adopted or surrendered person along
10 with a non-certified copy of the adopted or surrendered
11 person's original birth certificate as outlined in
12 subsection (e) of this Section.

13 (e) Procedures for requesting a non-certified copy of an
14 original birth certificate by an adult adopted or surrendered
15 person or by a surviving adult child or surviving spouse of a
16 deceased adopted or surrendered person:

17 (1) Effective immediately, any adult adopted or
18 surrendered person who was born in Illinois prior to
19 January 1, 1946, may complete and file with the Registry a
20 Request for a Non-Certified Copy of an Original Birth
21 Certificate. The Registry shall provide such adult adopted
22 or surrendered person with an unaltered, non-certified
23 copy of his or her original birth certificate upon receipt
24 of the Request for a Non-Certified Copy of an Original
25 Birth Certificate. Additionally, in cases where an adopted
26 or surrendered person born in Illinois prior to January 1,

1 1946, is deceased, and one of his or her surviving adult
2 children or his or her surviving spouse has registered with
3 the Registry, he or she may complete and file with the
4 Registry a Request for a Non-Certified Copy of an Original
5 Birth Certificate. The Registry shall provide such
6 surviving adult child or surviving spouse with an
7 unaltered, non-certified copy of the adopted or
8 surrendered person's original birth certificate upon
9 receipt of the Request for a Non-Certified Copy of an
10 Original Birth Certificate.

11 (2) Beginning April 1, 2009, any adult adopted or
12 surrendered person who was born in Illinois on or after
13 January 1, 1946, may complete and file with the Registry a
14 Request for a Non-certified Copy of an Original Birth
15 Certificate. Additionally, in cases where the adopted or
16 surrendered person is deceased and one of his or her
17 surviving adult children or his or her surviving spouse has
18 registered with the Registry, he or she may complete and
19 file with the Registry a Request for a Non-Certified Copy
20 of an Original Birth Certificate. Upon receipt of such
21 request from an adult adopted or surrendered person or from
22 one of his or her surviving adult children or his or her
23 surviving spouse, the Registry shall:

24 (i) Determine if there is a Denial of Information
25 Exchange which was filed by a birth parent named on the
26 original birth certificate prior to January 1, 2009. If

1 a Denial was filed by a birth parent named on the
2 original birth certificate prior to January 1, 2009,
3 and there is no proof of death in the Registry file for
4 the birth parent who filed said Denial, the Registry
5 shall inform the requesting adult adopted or
6 surrendered person or the requesting surviving adult
7 child or surviving spouse of a deceased adopted or
8 surrendered person that they may receive a
9 non-certified copy of the original birth certificate
10 from which all identifying information pertaining to
11 the birth parent who filed the Denial has been
12 redacted. A requesting adult adopted or surrendered
13 person shall also be informed in writing of his or her
14 right to petition the court for the appointment of a
15 Confidential Intermediary pursuant to Section 18.3a of
16 this Act and, if applicable, to conduct a search
17 through an agency post-adoption search program.

18 (ii) Determine if a birth parent named on the
19 original birth certificate has filed a Birth Parent
20 Preference Form and selected Option E. If one of the
21 birth parents named on the original birth certificate
22 filed a Birth Parent Preference Form and selected
23 Option E, and there is no proof of death in the
24 Registry file for the birth parent who filed said Birth
25 Parent Preference Form, the Registry shall inform the
26 requesting adult adopted or surrendered person or the

1 requesting surviving adult child or surviving spouse
2 of a deceased adopted or surrendered person that he or
3 she may receive a non-certified copy of the original
4 birth certificate from which identifying information
5 pertaining to the birth parent who completed the Birth
6 Parent Preference Form has been redacted per the birth
7 parent's specifications on the Form. The Registry
8 shall forward to the adult adopted or surrendered
9 person or to the surviving adult child or surviving
10 spouse of a deceased adopted or surrendered person a
11 copy of the Birth Parent Preference Form filed by the
12 birth parent from which identifying information has
13 been redacted per the birth parent's specifications on
14 the Form. The requesting adult adopted or surrendered
15 person shall also be informed in writing of his or her
16 right to petition the court for the appointment of a
17 Confidential Intermediary pursuant to Section 18.3a of
18 this Act, and, if applicable, to conduct a search
19 through an agency post-adoption search program.

20 (iii) Determine if a birth parent named on the
21 original birth certificate has filed an Information
22 Exchange Authorization.

23 (iv) If the Registry has confirmed that a
24 requesting adult adopted or surrendered person or the
25 parent of a requesting adult child of a deceased
26 adopted or surrendered person or the husband or wife of

1 a requesting surviving spouse was not the object of a
2 Denial of Information Exchange filed by a birth parent
3 on or before December 31, 2008, and that no birth
4 parent named on the original birth certificate has
5 filed a Birth Parent Preference Form where Option E was
6 selected prior to the receipt of a Request for a
7 Non-Certified Copy of an Original Birth Certificate,
8 the Registry shall provide the adult adopted or
9 surrendered person or his or her surviving adult child
10 or surviving spouse with an unaltered non-certified
11 copy of the adopted or surrendered person's original
12 birth certificate. In addition, the adult adopted or
13 surrendered person or surviving adult child or
14 surviving spouse of a deceased adopted or surrendered
15 person shall receive any Birth Parent Preference Forms
16 which are on file with the Registry.

17 (3) In cases where the Registry receives a Birth Parent
18 Preference Form from a birth parent subsequent to the
19 release of the non-certified copy of the original birth
20 certificate to an adult adopted or surrendered person or to
21 the surviving adult child or surviving spouse of a deceased
22 adopted or surrendered person, the Birth Parent Preference
23 Form shall be immediately forwarded to the adult adopted or
24 surrendered person or to the surviving adult child or
25 surviving spouse of the deceased adopted or surrendered
26 person and the birth parent who filed the form shall be

1 informed that the relevant original birth certificate has
2 already been released.

3 (4) A copy of the original birth certificate shall only
4 be released to adopted or surrendered persons who were born
5 in Illinois; to surviving adult children or surviving
6 spouses of deceased adopted or surrendered persons who were
7 born in Illinois; or to two registered parties who have
8 both consented to the release of a non-certified copy of
9 the original birth certificate to one another through the
10 Registry when the birth of the relevant adopted or
11 surrendered person took place in Illinois.

12 (5) In cases where the Registry receives a Request for
13 a Non-Certified Copy of an Original Birth Certificate from
14 an adult adopted or surrendered person who has not
15 completed a Registry application and the file of that
16 adopted or surrendered person includes an Information
17 Exchange Authorization or Medical Information Exchange
18 Questionnaire from one or more of his or her birth
19 relatives, the Registry shall so inform the adult adopted
20 or surrendered person and forward Registry application
21 forms to him or her along with a non-certified copy of the
22 original birth certificate consistent with the procedures
23 outlined in this subsection (e).

24 (6) In cases where a birth parent registered with the
25 Registry and filed a Medical Information Exchange
26 Questionnaire prior to the enactment of this Section but

1 gave no indication as to his or her wishes regarding
2 contact or the sharing of identifying information, the
3 Registry shall contact the birth parent by written letter
4 prior to January 1, 2009, and provide him or her with the
5 opportunity to indicate his or her preference regarding
6 contact and the sharing of identifying information by
7 submitting a Birth Parent Preference Form to the Registry
8 prior to April 1, 2009.

9 (7) In cases where the Registry cannot locate a copy of
10 the original birth certificate in the Registry file, they
11 shall be authorized to request a copy of the original birth
12 certificate from the Illinois county where the birth took
13 place for placement in the Registry file.

14 (8) Adopted and surrendered persons who wish to have
15 their names placed with the Illinois Adoption Registry and
16 Medical Information Exchange may do so by completing a
17 Registry application at any time, but completing a Registry
18 application shall not be required for adopted and
19 surrendered persons who seek only to obtain a copy of their
20 original birth certificate or any relevant Birth Parent
21 Preference Forms through the Registry.

22 (9) In cases where a birth parent filed a Denial with
23 the Registry prior to January 1, 2009, or filed a Birth
24 Parent Preference Form with the Registry and selected
25 Option E after January 1, 2009, and a proof of death for
26 the birth parent who filed the Denial or the Birth Parent

1 Preference Form has been filed with the Registry, the
2 Registry shall be authorized to release an unaltered
3 non-certified copy of the original birth certificate to an
4 adult adopted or surrendered person or to the surviving
5 adult child or surviving spouse of a deceased adopted or
6 surrendered person who has filed a Request for a
7 Non-Certified Copy of the Original Birth Certificate with
8 the Registry.

9 (f) ~~(e)~~ A registrant may complete all or any part of the
10 Illinois Adoption Registry Application. All Illinois Adoption
11 Registry Applications, Information Exchange Authorizations,
12 Denials of Information Exchange, requests to revoke an
13 Information Exchange Authorization, ~~or~~ Denial of Information
14 Exchange, and affidavits submitted to the Registry shall be
15 accompanied by proof of identification.

16 (g) Notwithstanding any other rulemaking authority that
17 may exist, neither the Governor nor any agency or agency head
18 under the jurisdiction of the Governor has any authority to
19 make or promulgate rules to implement or enforce the provisions
20 of this Section of this amendatory Act of the 95th General
21 Assembly. If, however, the Governor believes that rules are
22 necessary to implement or enforce the provisions of this
23 Section of this amendatory Act of the 95th General Assembly,
24 the Governor may suggest rules to the General Assembly by
25 filing them with the Clerk of the House and the Secretary of
26 the Senate and by requesting that the General Assembly

1 authorize such rulemaking by law, enact those suggested rules
2 into law, or take any other appropriate action in the General
3 Assembly's discretion. Nothing contained in this amendatory
4 Act of the 95th General Assembly shall be interpreted to grant
5 rulemaking authority under any other Illinois statute where
6 such authority is not otherwise explicitly given. For the
7 purposes of this Section, "rules" is given the meaning
8 contained in Section 1-70 of the Illinois Administrative
9 Procedure Act, and "agency" and "agency head" are given the
10 meanings contained in Sections 1-20 and 1-25 of the Illinois
11 Administrative Procedure Act to the extent that such
12 definitions apply to agencies or agency heads under the
13 jurisdiction of the Governor. (f) ~~The Department shall~~
14 ~~establish the Illinois Adoption Registry Application form~~
15 ~~including the Medical Information Exchange Questionnaire by~~
16 ~~rule.~~

17 (Source: P.A. 94-173, eff. 1-1-06.)

18 (750 ILCS 50/18.2) (from Ch. 40, par. 1522.2)

19 Sec. 18.2. Forms.

20 (a) The Department shall develop the Illinois Adoption
21 Registry forms as provided in this Section. The General
22 Assembly shall reexamine the content of the form as requested
23 by the Department, in consultation with the Advisory Council.
24 The form of the Birth Parent Registration Identification Form
25 shall be ~~substantially~~ as follows:

1 BIRTH PARENT REGISTRATION IDENTIFICATION

2 (Insert all known information)

3 I,, state that I am the (mother or father) of the
4 following child:

5 Child's original name: (first) (middle)
6 (last), (hour of birth), (date of birth),
7 (city and state of birth), (name of
8 hospital).

9 Father's full name: (first) (middle)
10 (last), (date of birth), (city and state of
11 birth).

12 Name of mother inserted on birth certificate: (first)
13 (middle) (last), (race), (date
14 of birth), (city and state of birth).

15 That I surrendered my child to: (name of agency),
16 (city and state of agency), (approximate date
17 child surrendered).

18 That I placed my child by private adoption: (date),
19 (city and state).

20 Name of adoptive parents, if known:

21 Other identifying information:

22
23 (Signature of parent)

24
25 (date) (printed name of parent)

1 (b) The form of the Adopted Person Registration
2 Identification shall be ~~substantially~~ as follows:

3 ADOPTED PERSON

4 REGISTRATION IDENTIFICATION

5 (Insert all known information)

6 I,, state the following:

7 Adopted Person's present name: (first)
8 (middle) (last).

9 Adopted Person's name at birth (if known): (first)
10 (middle) (last), (birth date),
11 (city and state of birth), (sex), (race).

12 Name of adoptive father: (first) (middle)
13 (last), (race).

14 Maiden name of adoptive mother: (first)
15 (middle) (last), (race).

16 Name of birth mother (if known): (first)
17 (middle) (last), (race).

18 Name of birth father (if known): (first)
19 (middle) (last), (race).

20 Name(s) at birth of sibling(s) having a common birth parent
21 with adoptee (if known): (first) (middle)
22 (last), (race), and name of common birth
23 parent: (first) (middle) (last),
24 (race).

25 I was adopted through: (name of agency).

26 I was adopted privately: (state "yes" if known).

1 I was adopted in (city and state), (approximate
2 date).

3 Other identifying information:
4
5 (signature of adoptee)
6
7 (date) (printed name of adoptee)

8 (c) The form of the Surrendered Person Registration
9 Identification shall be ~~substantially~~ as follows:

10 SURRENDERED PERSON REGISTRATION
11 IDENTIFICATION

12 (Insert all known information)

13 I,, state the following:

14 Surrendered Person's present name: (first)
15 (middle) (last).

16 Surrendered Person's name at birth (if known):
17 (first) (middle) (last),(birth
18 date), (city and state of birth), (sex),
19 (race).

20 Name of guardian father: (first) (middle)
21 (last), (race).

22 Maiden name of guardian mother: (first)
23 (middle) (last), (race).

24 Name of birth mother (if known): (first)
25 (middle) (last) (race).

1 Name of birth father (if known): (first)
2 (middle) (last),(race).

3 Name(s) at birth of sibling(s) having a common birth parent
4 with surrendered person (if known): (first)
5 (middle) (last), (race), and name of
6 common birth parent: (first) (middle)
7 (last), (race).

8 I was surrendered for adoption to: (name of agency).

9 I was surrendered for adoption in (city and state),
10 (approximate date).

11 Other identifying information:

12
13 (signature of surrendered person)

14
15 (date) (printed name of person
16 surrendered for adoption)

17 (c-3) The form of the Registration Identification Form for
18 Surviving Relatives of Deceased Birth Parents shall be
19 ~~substantially~~ as follows:

20 REGISTRATION IDENTIFICATION FORM

21 FOR SURVIVING RELATIVES OF DECEASED BIRTH PARENTS

22 (Insert all known information)

23 I,, state the following:

24 Name of deceased birth parent at time of surrender:

25 Deceased birth parent's date of birth:

1 Deceased birth parent's date of death:

2 Adopted or surrendered person's name at birth (if known):

3(first) (middle) (last),(birth
4 date), (city and state of birth), (sex),
5 (race).

6 My relationship to the adopted or surrendered person (check
7 one): (birth parent's non-surrendered child) (birth parent's
8 sister) (birth parent's brother).

9 If you are a non-surrendered child of the birth parent, provide
10 name(s) at birth and age(s) of non-surrendered siblings having
11 a common parent with the birth parent. If more than one
12 sibling, please give information requested below on reverse
13 side of this form. If you are a sibling or parent of the birth
14 parent, provide name(s) at birth and age(s) of the sibling(s)
15 of the birth parent. If more than one sibling, please give
16 information requested below on reverse side of this form.

17 Name (First) (middle) (last),(birth
18 date), (city and state of birth), (sex),
19 (race).

20 Name(s) of common parent(s) (first) (middle)
21 (last),(race), (first) (middle)
22 (last),(race).

23 My birth sibling/child of my brother/child of my sister/ was
24 surrendered for adoption to (name of agency) City and
25 state of agency Date(approximate) Other

1 identifying information (Please note that you must: (i)
 2 be at least 21 years of age to register; (ii) submit with your
 3 registration a certified copy of the birth parent's birth
 4 certificate; (iii) submit a certified copy of the birth
 5 parent's death certificate; and (iv) if you are a
 6 non-surrendered birth sibling or a sibling of the deceased
 7 birth parent, also submit a certified copy of your birth
 8 certificate with this registration. No application from a
 9 surviving relative of a deceased birth parent can be accepted
 10 if the birth parent filed a Denial of Information Exchange
 11 prior to his or her death.)

12
 13 (signature of birth parent's surviving relative)

14
 15 (date) (printed name of birth
 16 parent's surviving relative)

17 (c-5) The form of the Registration Identification Form for
 18 Surviving Relatives of Deceased Adopted or Surrendered Persons
 19 shall be ~~substantially~~ as follows:

20 REGISTRATION IDENTIFICATION FORM FOR
 21 SURVIVING RELATIVES OF DECEASED ADOPTED OR SURRENDERED PERSONS
 22 (Insert all known information)

23 I,, state the following:

24 Adopted or surrendered person's name at birth (if known):

1 (first) (middle) (last), (birth
2 date), (city and state of birth), (sex),
3 (race).

4 Adopted or surrendered person's date of death:

5 My relationship to the deceased adopted or surrendered
6 person(check one): (adoptive mother) (adoptive father) (adult
7 child) (surviving spouse).

8 If you are an adult child or surviving spouse of the adopted or
9 surrendered person, provide name(s) at birth and age(s) of the
10 children of the adopted or surrendered person. If the adopted
11 or surrendered person had more than one child, please give
12 information requested below on reverse side of this form.

13 Name (first) (middle) (last), (birth
14 date), (city and state of birth), (sex),
15 (race).

16 Name(s) of common parent(s) (first) (middle)
17 (last), (race), (first) (middle)
18 (last), (race).

19 My child/parent/deceased spouse was surrendered for
20 adoption to (name of agency) City and state of agency
21 Date (approximate) Other identifying
22 information (Please note that you must: (i) be at
23 least 21 years of age to register; (ii) submit with your
24 registration a certified copy of the adopted or surrendered
25 person's death certificate; (iii) if you are the child of a
26 deceased adopted or surrendered person, also submit a

1 certified copy of your birth certificate with this
 2 registration; and (iv) if you are the surviving wife or
 3 husband of a deceased adopted or surrendered person, also
 4 submit a copy of your marriage certificate with this
 5 registration. No application from a surviving relative of a
 6 deceased adopted or surrendered person can be accepted if
 7 the adopted or surrendered person filed a Denial of
 8 Information Exchange prior to his or her death.)

9
 10 (signature of adopted or surrendered person's surviving
 11 relative)

12
 13 (date) (printed name of adopted
 14 person's surviving relative)

15 (d) The form of the Information Exchange Authorization
 16 shall be ~~substantially~~ as follows:

17 INFORMATION EXCHANGE AUTHORIZATION

18 I,, state that I am the person who completed the
 19 Registration Identification; that I am of the age of
 20 years; that I hereby authorize the Department of Public Health
 21 to give to the following person(s) (birth mother) (birth
 22 father) (birth sibling) (adopted or surrendered person)
 23 (adoptive mother) (adoptive father) (legal guardian of an

1 adopted or surrendered person) (birth aunt) (birth uncle)
2 (adult child of a deceased adopted or surrendered person)
3 (surviving spouse of a deceased adopted or surrendered person)
4 (all eligible relatives) the following (please check the
5 information authorized for exchange):

6 1. Only my name and last known address.

7 2. A copy of my Illinois Adoption Registry
8 Application.

9 3. A copy of the adopted or surrendered person's
10 original certificate of live birth (check only if you are
11 an adopted or surrendered person or the surviving adult
12 child or surviving spouse of a deceased adopted or
13 surrendered person).

14 4. A copy of my completed medical questionnaire.

15 I am fully aware that I can only be supplied with
16 information about an individual or individuals who have duly
17 executed an Information Exchange Authorization that has not
18 been revoked or, if I am an adopted or surrendered person, from
19 a birth parent who completed a Birth Parent Preference Form and
20 did not prohibit the release of his or her identity to me; that
21 I can be contacted by writing to: (own name or name of
22 person to contact) (address) (phone number).

23 NOTE: New IARMIE registrants who do not complete a Medical
24 Information Exchange Questionnaire and release a copy of their
25 questionnaire to at least one Registry applicant must pay a \$40
26 registration fee.

1 Dated (insert date).

2

3 (signature)

4 (e) The form of the Denial of Information Exchange shall be
5 ~~substantially~~ as follows:

6 DENIAL OF INFORMATION EXCHANGE

7 I,, state that I am the person who completed the
8 Registration Identification; that I am of the age of
9 years; that I hereby instruct the Department of Public Health
10 not to give any identifying information about me to the
11 following person(s) (birth mother) (birth father) (birth
12 sibling)(adopted or surrendered person)(adoptive mother)
13 (adoptive father)(legal guardian of an adopted or surrendered
14 person)(birth aunt)(birth uncle)(adult child of a deceased
15 adopted or surrendered person) (surviving spouse of a deceased
16 adopted or surrendered person) (all eligible relatives).

17 IMPORTANT NOTE: A DENIAL FILED BY A BIRTH PARENT ON OR AFTER
18 JANUARY 1, 2009, SHALL NOT PROHIBIT THE RELEASE OF THE BIRTH
19 PARENT'S IDENTIFYING INFORMATION ON THE ORIGINAL BIRTH
20 CERTIFICATE OF AN ADULT ADOPTED OR SURRENDERED PERSON. BIRTH
21 PARENTS WHO WISH TO PROHIBIT THE RELEASE OF THEIR IDENTIFYING
22 INFORMATION ON THE ORIGINAL BIRTH CERTIFICATE OF AN ADULT
23 ADOPTED OR SURRENDERED PERSON SHALL FILE A BIRTH PARENT
24 PREFERENCE FORM ON OR AFTER JANUARY 1, 2009. DENIALS FILED BY A
25 BIRTH PARENT BEFORE JANUARY 1, 2009, WILL EXPIRE UPON THE DEATH

1 OF THE BIRTH PARENT WITH RESPECT TO AN ADULT ADOPTED OR
2 SURRENDERED PERSON'S ACCESS TO IDENTIFYING INFORMATION ON HIS
3 OR HER ORIGINAL BIRTH CERTIFICATE.

4 I do/do not (circle appropriate response) authorize the
5 Registry to release a copy of my completed Medical Information
6 Exchange Questionnaire to qualified Registry applicants. NOTE:
7 New IARMIE registrants who do not complete a Medical
8 Information Exchange Questionnaire and release a copy of their
9 questionnaire to at least one Registry applicant must pay a \$40
10 registration fee. Birth parents filing a Denial of Information
11 Exchange are advised that, under Illinois law, an adult adopted
12 person may initiate a search for a birth parent who has filed a
13 Denial of Information Exchange through the state confidential
14 intermediary program once five years have elapsed since the
15 filing of the Denial of Information Exchange; that I do not
16 wish to be contacted.

17 Dated (insert date).

18

19 (signature)

20 (f) The form of the Birth Parent Preference Form shall be
21 as follows:

22 In recognition of the basic right of all persons to access
23 their birth records, Illinois law now provides for the release
24 of original birth certificates to adopted and surrendered
25 persons 21 years of age or older upon request. While many birth

1 parents are comfortable sharing their identities or initiating
2 contact with their birth sons and daughters once they have
3 reached adulthood, Illinois law also recognizes that there may
4 be unique situations where a birth parent might have a
5 compelling reason for not wishing to establish contact with a
6 birth son or daughter or for not wishing to release identifying
7 information that appears on the original birth certificate of a
8 birth son or daughter who has reached adulthood. The Illinois
9 Adoption Registry and Medical Information Exchange (IARMIE)
10 has therefore established this form to allow birth parents
11 whose birth son or daughter was born on or after January 1,
12 1946, to express their wishes regarding contact and the sharing
13 of identifying information listed on the original birth
14 certificate with an adult adopted or surrendered person who has
15 reached the age of 21.

16 In selecting one of the five options below, birth parents
17 should keep in mind that the decision to deny an adult adopted
18 or surrendered person access to his or her original birth
19 record is an important one that can impact the adopted or
20 surrendered person's life in many ways. Since no original birth
21 certificates are released by the IARMIE before an adoptee has
22 reached the age of 21, birth parents are encouraged to take as
23 much time as they need to weigh the options available to them
24 before completing this form. Should you need additional
25 assistance in completing this form, please contact the agency
26 that handled the adoption, if applicable, or the Illinois

1 Adoption Registry and Medical Information Exchange at
2 217-557-5159.

3 After careful consideration, I, (insert your name),
4 have made the following decision regarding contact with my
5 birth son/birth daughter, (insert birth son's/birth daughter's
6 name at birth, if applicable), who was born in (insert
7 city/town of birth) on (insert date of birth)..... and
8 the release of my identifying information as it appears on
9 his/her original birth certificate when he/she reaches the age
10 of 21, and I have chosen Option (insert A, B, C, D or E,
11 as applicable). I realize that this form must be accompanied by
12 a completed IARMIE application form as well as a Medical
13 Information Exchange Questionnaire or the \$40 registration
14 fee. I am also aware that I may revoke this decision at any
15 time by completing a new Birth Parent Preference Form and
16 filing it with the IARMIE. I understand that it is my
17 responsibility to update the IARMIE with any changes to contact
18 information provided below. I also understand that, while
19 preferences regarding the release of identifying information
20 through the Registry are binding unless the law should change
21 in the future, any selection I have made regarding my preferred
22 method of contact is not.

23
24 (Signature/Date)

25 (Please insert your signature and today's date above, as well

1 as under your chosen option, A, B, C, D, or E below.)

2 Option A. I agree to the release of my identifying information
3 as it appears on my birth son's/birth daughter's original birth
4 certificate, would welcome direct contact with my birth
5 son/birth daughter when he or she has reached the age of 21 and
6 I wish to be contacted at the following mailing address, email
7 address or phone number:

8

9

10

11

12 (Signature/Date)

13 Option B. I agree to the release of my identifying information
14 as it appears on my birth son's/birth daughter's original birth
15 certificate, would welcome contact with my birth son/birth
16 daughter when he or she has reached the age of 21, but I would
17 prefer to be contacted through the following person (insert
18 name and mailing address, email address or phone number of
19 chosen contact person)

20

21

22 (Signature/Date)

23 Option C. I agree to the release of my name as it appears on my

1 birth son's/birth daughter's original birth certificate, would
 2 welcome contact with my birth son/birth daughter when he or she
 3 has reached the age of 21, but I would prefer to be contacted
 4 through the Illinois confidential intermediary program (please
 5 call 800-526-9022 for additional information) or through the
 6 agency that handled the adoption. (insert agency name, address
 7 and phone number, if applicable.)

8
 9

10 (Signature/Date)

11 Option D. I agree to the release of my name as it appears on my
 12 birth son's/birth daughter's original birth certificate, but I
 13 would prefer not to be contacted by my birth son/birth daughter
 14 when he or she has reached the age of 21.

15

16 (Signature/Date)

17 Option E. I wish to prohibit the release of my (circle ALL
 18 applicable options) first name, last name, last known address,
 19 birth son/birth daughter's last name (if last name listed is
 20 same as mine), as they appear on my birth son's/birth
 21 daughter's original birth certificate and do not wish to be
 22 contacted by my birth son/birth daughter when he or she has
 23 reached the age of 21. If there were any special circumstances
 24 that played a role in your decision to remain anonymous which

1 you would like to share with your birth son/birth daughter,
2 please list them in the space provided below (optional).

3

4

5 I understand that, although I have chosen to prohibit the
6 release of my identity on the copy of the original birth
7 certificate released to my birth son/birth daughter, he or she
8 may request that a court-appointed confidential intermediary
9 contact me to request updated medical information and/or
10 confirm my desire to remain anonymous once five years have
11 elapsed since the signing of this form. I also understand that
12 this request for anonymity shall expire upon my death.

13

14

15 (Signature/Date)

16 NOTE: A copy of this form will be forwarded to your birth son
17 or daughter should he or she file a request for his or her
18 original birth certificate with the IARMIE. However, if you
19 have selected Option E, identifying information, per your
20 specifications above, will be deleted from the copy of this
21 form forwarded to your birth son or daughter during your
22 lifetime. In the event that an adopted or surrendered person is
23 deceased, his or her surviving adult children may request a
24 copy of the adopted or surrendered person's original birth
25 certificate providing they have registered with the IARMIE; the

1 copy of this form and the non-certified copy of the original
2 birth certificate forwarded to the surviving child of the
3 adopted or surrendered person shall be redacted per your
4 specifications on this form during your lifetime.

5 (g) The form of the Request for a Non-Certified Copy of an
6 Original Birth Certificate shall be as follows:

7 REQUEST FOR A NON-CERTIFIED COPY OF AN ORIGINAL BIRTH

8 CERTIFICATE

9 I, (requesting party's full name), hereby request a
10 non-certified copy of (check appropriate option) my
11 original birth certificate the original birth
12 certificate of my deceased adopted or surrendered parent
13 the original birth certificate of my deceased adopted or
14 surrendered spouse (insert deceased parent's/deceased spouse's
15 name at adoption) I/my deceased parent/my deceased
16 spouse was born in (insert city and county of adopted or
17 surrendered person's birth) on (insert adopted or
18 surrendered person's date of birth). In the event that one or
19 both of my/my deceased parent's/my deceased spouse's birth
20 parents has requested that their identity not be released to
21 me/to my deceased parent/to my deceased spouse, I wish to
22 (check appropriate option) a. receive a non-certified
23 copy of the original birth certificate from which identifying
24 information pertaining to the birth parent who requested
25 anonymity has been deleted; or b. I do not wish to
26 received an altered copy of the original birth certificate.

1 Parent Preference Form or Request for a Non-Certified Copy of
 2 an Original Birth Certificate is acknowledged before a
 3 representative of an agency, such representative shall have his
 4 signature on said Certificate acknowledged before a notary
 5 public, in form substantially as follows:

6 State of.....

7 County of.....

8 I, a Notary Public, in and for the said County, in the
 9 State aforesaid, do hereby certify that personally known
 10 to me to be the same person whose name is subscribed to the
 11 foregoing certificate of acknowledgement, appeared before me
 12 in person and acknowledged that (he or she) signed such
 13 certificate as (his or her) free and voluntary act and that the
 14 statements in such certificate are true.

15 Given under my hand and notarial seal on (insert date).

16
 17 (signature)

18 (j) ~~(h)~~ When an Illinois Adoption Registry Application,
 19 Information Exchange Authorization, ~~or a~~ Denial of Information
 20 Exchange, Birth Parent Preference Form, or Request for a
 21 Non-Certified Copy of an Original Birth Certificate is executed
 22 in a foreign country, the execution of such document shall be
 23 acknowledged or affirmed before an officer of the United States
 24 consular services.

25 (k) ~~(i)~~ If the person signing an Information Exchange

1 Authorization, ~~or a~~ Denial of Information, Birth Parent
2 Preference Form or Request for a Non-Certified Copy of an
3 Original Birth Certificate is in the military service of the
4 United States, the execution of such document may be
5 acknowledged before a commissioned officer and the signature of
6 such officer on such certificate shall be verified or
7 acknowledged before a notary public or by such other procedure
8 as is then in effect for such division or branch of the armed
9 forces.

10 ~~(j) The Department shall modify these forms as necessary to~~
11 ~~implement the provisions of this amendatory Act of 1999~~
12 ~~including creating Registration Identification Forms for~~
13 ~~non-surrendered birth siblings, adoptive parents and legal~~
14 ~~guardians.~~

15 (Source: P.A. 93-189, eff. 1-1-04; 94-173, eff. 1-1-06.)

16 (750 ILCS 50/18.3) (from Ch. 40, par. 1522.3)

17 Sec. 18.3. (a) The agency, Department of Children and
18 Family Services, Court Supportive Services, Juvenile Division
19 of the Circuit Court, and any other party to the surrender of a
20 child for adoption or in an adoption proceeding shall inform
21 ~~obtain from~~ any birth parent or parents relinquishing ~~giving up~~
22 a child for purposes of adoption after the effective date of
23 this Act of the opportunity to register with the Illinois
24 Adoption Registry and Medical Information Exchange and to
25 utilize the Illinois confidential intermediary program and

1 shall obtain a written confirmation that acknowledges the birth
2 parent's receipt of such information. ~~a written statement which~~
3 ~~indicates: (1) a desire to have identifying information shared~~
4 ~~with the adopted or surrendered person at a later date; (2) a~~
5 ~~desire not to have identifying information revealed; or (3)~~
6 ~~that no decision is made at that time. In addition, the agency,~~
7 ~~Department of Children and Family Services, Court Supportive~~
8 ~~Services, Juvenile Division of the Circuit Court, and any other~~
9 ~~organization involved in the surrender of a child for adoption~~
10 ~~in an adoption proceeding shall inform the birth parent or~~
11 ~~parents of a child born, adopted or surrendered in Illinois of~~
12 ~~the existence of the Illinois Adoption Registry and Medical~~
13 ~~Information Exchange and provide them with the necessary~~
14 ~~application forms and if requested, assistance with completing~~
15 ~~the forms.~~

16 ~~(b) When the written statement is signed, the birth parent~~
17 ~~or parents shall be informed in writing that their decision~~
18 ~~regarding the sharing of identifying information can be made or~~
19 ~~changed by such birth parent or parents at any future date.~~

20 ~~(c)~~ The birth parent shall be informed in writing that if
21 contact or exchange of identifying ~~sharing of identifying~~
22 information with the adult adopted or surrendered person is to
23 occur, that adult adopted or surrendered person ~~he or she~~ must
24 be 21 years of age or over.

25 ~~(d) If the birth parent or parents indicate a desire to~~
26 ~~share identifying information with the adopted or surrendered~~

1 ~~person, the birth parent shall complete an Information Exchange~~
2 ~~Authorization.~~

3 ~~(e) Any birth parent or parents requesting that no~~
4 ~~identifying information be revealed to the adopted or~~
5 ~~surrendered person shall be informed that such request will be~~
6 ~~conveyed to the adopted or surrendered person if he or she~~
7 ~~requests such information; and such identifying information~~
8 ~~shall not be revealed.~~

9 ~~(f) Any adopted or surrendered person 21 years of age or~~
10 ~~ever may also indicate in writing his or her desire or lack of~~
11 ~~desire to share identifying information with the birth parent~~
12 ~~or parents or with one or more of his or her birth relatives.~~
13 ~~Any adopted or surrendered person requesting that no~~
14 ~~identifying information be revealed to the birth parent or to~~
15 ~~one or more of his or her birth relatives shall be informed~~
16 ~~that such request shall be conveyed to the birth parent or~~
17 ~~birth relative if he or she requests such information; and such~~
18 ~~identifying information shall not be revealed.~~

19 (b) ~~(g)~~ Any birth parent, birth sibling, adopted or
20 surrendered person, adoptive parent, or legal guardian
21 indicating their desire to receive identifying or medical
22 information shall be informed of the existence of the Registry
23 and assistance shall be given to such person to legally record
24 his or her name with the Registry.

25 (c) ~~(h)~~ The agency, Department of Children and Family
26 Services, Court Supportive Services, Juvenile Division of the

1 Circuit Court, and any other organization involved in the
2 surrender of a child for adoption in an adoption proceeding
3 which has written statements from an adopted or surrendered
4 person and the birth parent or a birth sibling indicating a
5 desire to share ~~receive~~ identifying information or establish
6 contact shall supply such information to the mutually
7 consenting parties, except that no identifying information
8 shall be supplied to consenting birth siblings if any such
9 sibling is under 21 years of age. However, both the Registry
10 having an Information Exchange Authorization and the
11 organization having a written statement requesting the sharing
12 of identifying information or contact shall communicate with
13 each other to determine if the adopted or surrendered person or
14 the birth parent or birth sibling has signed a form at a later
15 date indicating a change in his or her desires regarding the
16 sharing of information or contact. ~~The agreement of the birth~~
17 ~~parent shall be binding.~~

18 (d) ~~(i)~~ On and after January 1, 2000, any licensed child
19 welfare agency which provides post-adoption search assistance
20 to adoptive parents, adopted persons, surrendered persons,
21 birth parents, or other birth relatives shall require that any
22 person requesting post-adoption search assistance complete an
23 Illinois Adoption Registry Application prior to the
24 commencement of the search.

25 (Source: P.A. 94-173, eff. 1-1-06.)

1 (750 ILCS 50/18.3a) (from Ch. 40, par. 1522.3a)

2 Sec. 18.3a. Confidential intermediary.

3 (a) General purposes. Notwithstanding any other provision
4 of this Act, any adopted or surrendered person 21 years of age
5 or over, any adoptive parent or legal guardian of an adopted or
6 surrendered person under the age of 21, or any birth parent of
7 an adopted or surrendered person who is 21 years of age or over
8 may petition the court in any county in the State of Illinois
9 for appointment of a confidential intermediary as provided in
10 this Section for the purpose of exchanging medical information
11 with one or more mutually consenting biological relatives,
12 obtaining identifying information about one or more mutually
13 consenting biological relatives, or arranging contact with one
14 or more mutually consenting biological relatives.
15 Additionally, in cases where an adopted or surrendered person
16 is deceased, an adult child of the adopted or surrendered
17 person or his or her adoptive parents or surviving spouse may
18 file a petition under this Section and in cases where the birth
19 parent is deceased, an adult birth sibling of the adopted or
20 surrendered person or of the deceased birth parent may file a
21 petition under this Section for the purpose of exchanging
22 medical information with one or more mutually consenting
23 biological relatives of the adopted or surrendered person,
24 obtaining identifying information about one or more mutually
25 consenting biological relatives of the adopted or surrendered
26 person, or arranging contact with one or more mutually

1 consenting biological relatives of the adopted or surrendered
2 person. Beginning January 1, 2006, any adopted or surrendered
3 person 21 years of age or over; any adoptive parent or legal
4 guardian of an adopted or surrendered person under the age of
5 21; any birth parent, birth sibling, birth aunt, or birth uncle
6 of an adopted or surrendered person over the age of 21; any
7 surviving child, adoptive parent, or surviving spouse of a
8 deceased adopted or surrendered person who wishes to petition
9 the court for the appointment of a confidential intermediary
10 shall be required to accompany their petition with proof of
11 registration with the Illinois Adoption Registry and Medical
12 Information Exchange.

13 (b) Petition. Upon petition by an adopted or surrendered
14 person 21 years of age or over (an "adult adopted or
15 surrendered person"), an adoptive parent or legal guardian of
16 an adopted or surrendered person under the age of 21, or a
17 birth parent of an adopted or surrendered person who is 21
18 years of age or over, the court shall appoint a confidential
19 intermediary. Upon petition by an adult child, adoptive parent
20 or surviving spouse of an adopted or surrendered person who is
21 deceased, by an adult birth sibling of an adopted or
22 surrendered person whose common birth parent is deceased and
23 whose adopted or surrendered birth sibling is 21 years of age
24 or over, or by an adult sibling of a birth parent who is
25 deceased, and whose surrendered child is 21 years of age or
26 over, the court may appoint a confidential intermediary if the

1 court finds that the disclosure is of greater benefit than
2 nondisclosure. The petition shall state which biological
3 relative or relatives are being sought and shall indicate if
4 the petitioner wants to do any one or more of the following:
5 exchange medical information with the biological relative or
6 relatives, obtain identifying information from the biological
7 relative or relatives, or to arrange contact with the
8 biological relative.

9 (c) Order. The order appointing the confidential
10 intermediary shall allow that intermediary to conduct a search
11 for the sought-after relative by accessing those records
12 described in subsection (g) of this Section.

13 (d) Fees and expenses. The court shall condition the
14 appointment of the confidential intermediary on the
15 petitioner's payment of the intermediary's fees and expenses in
16 advance of the commencement of the work of the confidential
17 intermediary. However, no fee shall be charged if the
18 petitioner is an adult adopted or surrendered person and the
19 sought-after relative is a birth parent who filed a Denial with
20 the Registry prior to January 1, 2009, or filed a Birth Parent
21 Preference Form on which Option E was selected after January 1,
22 2009.

23 (e) Eligibility of intermediary. The court may appoint as
24 confidential intermediary any person certified by the
25 Department of Children and Family Services as qualified to
26 serve as a confidential intermediary. Certification shall be

1 dependent upon the confidential intermediary completing a
2 course of training including, but not limited to, applicable
3 federal and State privacy laws.

4 (f) Confidential Intermediary Council. There shall be
5 established under the Department of Children and Family
6 Services a Confidential Intermediary Advisory Council. One
7 member shall be an attorney representing the Attorney General's
8 Office appointed by the Attorney General. One member shall be a
9 currently certified confidential intermediary appointed by the
10 Director of the Department of Children and Family Services. The
11 Director shall also appoint 5 additional members. When making
12 those appointments, the Director shall consider advocates for
13 adopted persons, adoptive parents, birth parents, lawyers who
14 represent clients in private adoptions, lawyers specializing
15 in privacy law, and representatives of agencies involved in
16 adoptions. The Director shall appoint one of the 7 members as
17 the chairperson. An attorney from the Department of Children
18 and Family Services and the person directly responsible for
19 administering the confidential intermediary program shall
20 serve as ex-officio, non-voting advisors to the Council.
21 Council members shall serve at the discretion of the Director
22 and shall receive no compensation other than reasonable
23 expenses approved by the Director. The Council shall meet no
24 less than twice yearly and shall meet at least once yearly with
25 the Registry Advisory Council, and shall make recommendations
26 to the Director regarding the development of rules, procedures,

1 and forms that will ensure efficient and effective operation of
2 the confidential intermediary process, including:

3 (1) Standards for certification for confidential
4 intermediaries.

5 (2) Oversight of methods used to verify that
6 intermediaries are complying with the appropriate laws.

7 (3) Training for confidential intermediaries,
8 including training with respect to federal and State
9 privacy laws.

10 (4) The relationship between confidential
11 intermediaries and the court system, including the
12 development of sample orders defining the scope of the
13 intermediaries' access to information.

14 (5) Any recent violations of policy or procedures by
15 confidential intermediaries and remedial steps, including
16 decertification, to prevent future violations.

17 (g) Access. Subject to the limitations of subsection (i) of
18 this Section, the confidential intermediary shall have access
19 to vital records maintained by the Department of Public Health
20 and its local designees for the maintenance of vital records or
21 a comparable public entity that maintains vital records in
22 another state in accordance with that state's laws, and all
23 records of the court or any adoption agency, public or private,
24 as limited in this Section, which relate to the adoption or the
25 identity and location of an adopted or surrendered person, of
26 an adult child or surviving spouse of a deceased adopted or

1 surrendered person, or of a birth parent, birth sibling, or the
2 sibling of a deceased birth parent. The confidential
3 intermediary shall not have access to any personal health
4 information protected by the Standards for Privacy of
5 Individually Identifiable Health Information adopted by the
6 U.S. Department of Health and Human Services under the Health
7 Insurance Portability and Accountability Act of 1996 unless the
8 confidential intermediary has obtained written consent from
9 the person whose information is being sought or, if that person
10 is a minor child, that person's parent or guardian.
11 Confidential intermediaries shall be authorized to inspect
12 confidential relinquishment and adoption records. The
13 confidential intermediary shall not be authorized to access
14 medical records, financial records, credit records, banking
15 records, home studies, attorney file records, or other personal
16 records. In cases where a birth parent is being sought by an
17 adult adopted or surrendered person, an adoption agency shall
18 inform the confidential intermediary of any statement filed
19 pursuant to Section 18.3, hereinafter referred to as "the 18.3
20 statement", indicating a desire of the surrendering birth
21 parent to have identifying information shared or to not have
22 identifying information shared. If there was a clear statement
23 of intent by the sought-after birth parent not to have
24 identifying information shared, the confidential intermediary
25 shall discontinue the search and inform the petitioning party
26 of the sought-after relative's intent unless the birth parent

1 filed the 18.3 statement prior to the enactment of this Section
2 and more than five years have elapsed since the filing of the
3 18.3 statement. If the adult adopted or surrendered person is
4 the subject of an 18.3 statement indicating a desire not to
5 establish contact which was filed more than five years prior to
6 the search request, the confidential intermediary shall
7 confirm the petitioner's desire to continue the search.
8 Information provided to the confidential intermediary by an
9 adoption agency shall be restricted to the full name, date of
10 birth, place of birth, last known address, last known telephone
11 number of the sought-after relative or, if applicable, of the
12 children or siblings of the sought-after relative, and the 18.3
13 statement.

14 (h) Adoption agency disclosure of medical information. If
15 the petitioner is an adult adopted or surrendered person or the
16 adoptive parent of a minor and if the petitioner has signed a
17 written authorization to disclose personal medical
18 information, an adoption agency disclosing information to a
19 confidential intermediary shall disclose available medical
20 information about the adopted or surrendered person from birth
21 through adoption.

22 (i) Duties of confidential intermediary in conducting a
23 search. In conducting a search under this Section, the
24 confidential intermediary shall first confirm that there is no
25 Denial of Information Exchange on file with the Illinois
26 Adoption Registry. If the petitioner is an adult child of an

1 adopted or surrendered person who is deceased, the confidential
2 intermediary shall additionally confirm that the adopted or
3 surrendered person did not file a Denial of Information
4 Exchange with the Illinois Adoption Registry during his or her
5 life. If the petitioner is an adult birth sibling of an adopted
6 or surrendered person or an adult sibling of a birth parent who
7 is deceased, the confidential intermediary shall additionally
8 confirm that the birth parent did not file a Denial of
9 Information Exchange with the Registry during his or her life.
10 If there is a Denial on file with the Registry, the
11 confidential intermediary must discontinue the search unless
12 the petitioner is an adult adopted or surrendered person and
13 the sought-after birth relative filed the Denial five years or
14 more prior to the search or the birth parent has not been the
15 object of a search through the state confidential intermediary
16 program for ten or more years. If the petitioner is an adult
17 adopted or surrendered person and there is a Birth Parent
18 Preference Form on file with the Registry and the birth parent
19 who completed the form selected Option E, the confidential
20 intermediary must discontinue the search unless 5 years or more
21 have elapsed since the filing of the Birth Parent Preference
22 Form. If the confidential intermediary learns that a
23 sought-after birth parent signed an 18.3 a statement indicating
24 his or her intent not to have identifying information shared
25 prior to the enactment of this Section, and did not later file
26 an Information Exchange Authorization or a Birth Parent

1 Preference Form with the ~~Adoption~~ Registry, the confidential
2 intermediary shall discontinue the search and inform the
3 petitioning party of the birth parent's intent unless the
4 petitioner is an adult adopted or surrendered person and five
5 years or more have elapsed since the birth parent signed the
6 statement indicating his or her intent not to have identifying
7 information shared. In cases where the birth parent filed a
8 Denial of Information Exchange or statement indicating his or
9 her intent not to have identifying information shared less than
10 five years prior to the search request and the petitioner is an
11 adult adopted or surrendered person, the confidential
12 intermediary shall inform the petitioner of the need to
13 discontinue the search until five years have elapsed since the
14 Denial of Information Exchange was filed; in cases where a
15 birth parent was previously the subject of a search through the
16 state confidential intermediary program, the confidential
17 intermediary shall inform the petitioner of the need to
18 discontinue the search until ten years or more have elapsed
19 since the initial search was closed. In cases where a birth
20 parent has been the object of two searches through the state
21 confidential intermediary program, no subsequent search for
22 the birth parent shall be authorized absent a court order to
23 the contrary.

24 In conducting a search under this Section, the confidential
25 intermediary shall attempt to locate the relative or relatives
26 from whom the petitioner has requested information. If the

1 sought-after relative is deceased or cannot be located after a
2 diligent search, the confidential intermediary may contact
3 other adult relatives of the sought-after relative.

4 The confidential intermediary shall contact a sought-after
5 relative on behalf of the petitioner in a manner that respects
6 the sought-after relative's privacy and shall inform the
7 sought-after relative of the petitioner's request for medical
8 information, identifying information or contact as stated in
9 the petition. Based upon the terms of the petitioner's request,
10 the confidential intermediary shall contact a sought-after
11 relative on behalf of the petitioner and inform the
12 sought-after relative of the following options:

13 (1) The sought-after relative may totally reject one or
14 all of the requests for medical information, identifying
15 information or contact. The sought-after relative shall be
16 informed that they can provide a medical questionnaire to
17 be forwarded to the petitioner without releasing any
18 identifying information. The confidential intermediary
19 shall inform the petitioner of the sought-after relative's
20 decision to reject the sharing of information or contact.

21 (2) The sought-after relative may consent to
22 completing a medical questionnaire only. In this case, the
23 confidential intermediary shall provide the questionnaire
24 and ask the sought-after relative to complete it. The
25 confidential intermediary shall forward the completed
26 questionnaire to the petitioner and inform the petitioner

1 of the sought-after relative's desire to not provide any
2 additional information.

3 (3) The sought-after relative may communicate with the
4 petitioner without having his or her identity disclosed. In
5 this case, the confidential intermediary shall arrange the
6 desired communication in a manner that protects the
7 identity of the sought-after relative. The confidential
8 intermediary shall inform the petitioner of the
9 sought-after relative's decision to communicate but not
10 disclose his or her identity.

11 (4) The sought after relative may consent to initiate
12 contact with the petitioner. If both the petitioner and the
13 sought-after relative or relatives are eligible to
14 register with the Illinois Adoption Registry, the
15 confidential intermediary shall provide the necessary
16 application forms and request that the sought-after
17 relative register with the Illinois Adoption Registry. If
18 either the petitioner or the sought-after relative or
19 relatives are ineligible to register with the Illinois
20 Adoption Registry, the confidential intermediary shall
21 obtain written consents from both parties that they wish to
22 disclose their identities to each other and to have contact
23 with each other.

24 (j) Oath. The confidential intermediary shall sign an oath
25 of confidentiality substantially as follows: "I,,
26 being duly sworn, on oath depose and say: As a condition of

1 appointment as a confidential intermediary, I affirm that:

2 (1) I will not disclose to the petitioner, directly or
3 indirectly, any confidential information except in a
4 manner consistent with the law.

5 (2) I recognize that violation of this oath subjects me
6 to civil liability and to a potential finding of contempt
7 of court.

8 SUBSCRIBED AND SWORN to before me, a Notary Public, on (insert
9 date)

10"

11 (k) Sanctions.

12 (1) Any confidential intermediary who improperly
13 discloses confidential information identifying a
14 sought-after relative shall be liable to the sought-after
15 relative for damages and may also be found in contempt of
16 court.

17 (2) Any person who learns a sought-after relative's
18 identity, directly or indirectly, through the use of
19 procedures provided in this Section and who improperly
20 discloses information identifying the sought-after
21 relative shall be liable to the sought-after relative for
22 actual damages plus minimum punitive damages of \$10,000.

23 (3) The Department shall fine any confidential
24 intermediary who improperly discloses confidential
25 information in violation of item (1) or (2) of this
26 subsection (k) an amount up to \$2,000 per improper

1 disclosure. This fine does not affect civil liability under
2 item (2) of this subsection (k). The Department shall
3 deposit all fines and penalties collected under this
4 Section into the Illinois Adoption Registry and Medical
5 Information Fund.

6 (l) Death of person being sought. Notwithstanding any other
7 provision of this Act, if the confidential intermediary
8 discovers that the person being sought has died, he or she
9 shall report this fact to the court, along with a copy of the
10 death certificate. If the sought-after relative is a birth
11 parent, the confidential intermediary shall also forward a copy
12 of the birth parent's death certificate or obituary to the
13 Registry for inclusion in the Registry file.

14 (m) Any confidential information obtained by the
15 confidential intermediary during the course of his or her
16 search shall be kept strictly confidential and shall be used
17 for the purpose of arranging contact between the petitioner and
18 the sought-after birth relative. At the time the case is
19 closed, all identifying information shall be returned to the
20 court for inclusion in the impounded adoption file.

21 (n) If the petitioner is an adopted or surrendered person
22 21 years of age or over or the adoptive parent or legal
23 guardian of an adopted or surrendered person under the age of
24 21, any non-identifying information, as defined in Section
25 18.4, that is ascertained during the course of the search may
26 be given in writing to the petitioner at any time during the

1 search before the case is closed.

2 (o) Except as provided in subsection (k) of this Section,
3 no liability shall accrue to the State, any State agency, any
4 judge, any officer or employee of the court, any certified
5 confidential intermediary, or any agency designated to oversee
6 confidential intermediary services for acts, omissions, or
7 efforts made in good faith within the scope of this Section.

8 (p) An adoption agency that has received a request from a
9 confidential intermediary for the full name, date of birth,
10 last known address, or last known telephone number of a
11 sought-after relative pursuant to subsection (g) of Section
12 18.3a ~~18.3~~, or for medical information regarding a sought-after
13 relative pursuant to subsection (h) of Section 18.3a ~~18.3~~, must
14 satisfactorily comply with this court order within a period of
15 45 days. The court shall order the adoption agency to reimburse
16 the petitioner in an amount equal to all payments made by the
17 petitioner to the confidential intermediary, and the adoption
18 agency shall be subject to a civil monetary penalty of \$1,000
19 to be paid to the Department of Children and Family Services.
20 Following the issuance of a court order finding that the
21 adoption agency has not complied with Section 18.3, the
22 adoption agency shall be subject to a monetary penalty of \$500
23 per day for each subsequent day of non-compliance. Proceeds
24 from such fines shall be utilized by the Department of Children
25 and Family Services to subsidize the fees of petitioners as
26 referenced in subsection (d) of this Section.

1 (g) Provide information to eligible petitioners. The
2 confidential intermediary may provide to eligible petitioners
3 as described in subsections (a) and (b) of this Section, the
4 name of the child welfare agency which had legal custody of the
5 surrendered person or responsibility for placing the
6 surrendered person and any available contact information for
7 such agency. In addition, the confidential intermediary may
8 provide to such petitioners the name of the state in which the
9 surrender occurred or in which the adoption was finalized.

10 Any reimbursements and fines, notwithstanding any
11 reimbursement directly to the petitioner, paid under this
12 subsection are in addition to other remedies a court may
13 otherwise impose by law.

14 ~~Proceeds from the penalties paid to the Department of~~
15 ~~Children and Family Services shall be deposited into the DCFS~~
16 ~~Children's Services Fund.~~ The Department of Children and Family
17 Services shall submit reports to the Confidential Intermediary
18 Advisory Council by July 1 and January 1 of each year in order
19 to report the penalties assessed and collected under this
20 subsection, the amounts of related deposits into the DCFS
21 Children's Services Fund, and any expenditures from such
22 deposits.

23 (Source: P.A. 93-189, eff. 1-1-04; 94-173, eff. 1-1-06;
24 94-1010, eff. 10-1-06.)

1 Sec. 18.5. Liability. No liability shall attach to the
2 State, any agency thereof, any licensed agency, any judge, any
3 officer or employee of the court, or any party or employee
4 thereof involved in the surrender of a child for adoption or in
5 an adoption proceeding for acts or efforts made within the
6 scope of Sections 18.05 thru 18.5, inclusive, of this Act and
7 under its provisions, except for subsection (n) ~~(f)~~ of Section
8 18.1.

9 (Source: P.A. 91-417, eff. 1-1-00.)

10 (750 ILCS 50/18.6) (from Ch. 40, par. 1522.6)

11 Sec. 18.6. Registry fees. The Department of Public Health
12 shall levy a fee for each registrant under Sections 18.05
13 through 18.5. A \$40 fee shall be charged for registering with
14 the Illinois Adoption Registry and Medical Information
15 Exchange. However, this fee shall be waived for all adopted or
16 surrendered persons, surviving children and spouses of
17 deceased adopted persons, adoptive parents, legal guardians,
18 birth parents, and birth siblings who complete a Medical
19 Information Exchange Questionnaire at the time of registration
20 and authorize its release to specified registered parties, and
21 for adoptive parents registering within 12 months of the
22 finalization of the adoption. All persons who were registered
23 with the Illinois Adoption Registry prior to the effective date
24 of this amendatory Act of 1999 and who wish to update their
25 registration may do so without charge. No charge of any kind

1 shall be made for the withdrawal of any form provided in
2 Section 18.2.
3 (Source: P.A. 91-417, eff. 1-1-00.)".