



Sen. Kwame Raoul

Filed: 4/27/2009

09600HB2405sam002

LRB096 04182 AJ0 25643 a

1 AMENDMENT TO HOUSE BILL 2405

2 AMENDMENT NO. _____. Amend House Bill 2405 on page 1,
3 lines 4 and 5, by replacing "Section 10" with "Sections 10 and
4 14.5"; and

5 on page 22, below line 19, by inserting the following:

6 "(750 ILCS 50/14.5 new)

7 Sec. 14.5. Petition to adopt by former parent.

8 (a) For purposes of this Section, the term "former parent"
9 means a person whose rights were terminated as described in
10 paragraph (1) or (2). A petition to adopt by a former parent
11 may be filed regarding any minor who was a ward of the court
12 under Article II of the Juvenile Court Act of 1987 when:

13 (1) while the minor was under the jurisdiction of the
14 court under Article II of the Juvenile Court Act of 1987,
15 the minor's former parent or former parents surrendered the
16 minor for adoption to an agency legally authorized to place

1 children for adoption, or the minor's former parent or
2 former parents consented to the minor's adoption, or the
3 former parent's or former parents' rights were terminated
4 pursuant to a finding of unfitness pursuant to Section 2-29
5 of the Juvenile Court Act of 1987 and a guardian was
6 appointed with the power to consent to adoption pursuant to
7 Section 2-29 of the Juvenile Court Act of 1987; or

8 (2) following the appointment of a guardian with the
9 right to consent to the adoption of the minor pursuant to
10 Section 2-29 of the Juvenile Court Act of 1987, the former
11 parent's or former parents' rights were terminated
12 pursuant to a finding of unfitness pursuant to paragraph
13 (d) of subsection B of Section 13; and

14 (3) (i) since the signing of the surrender or consent,
15 or the unfitness finding, the minor remained a ward of the
16 court and was subsequently adopted by an individual or
17 individuals who, at the time of the adoption, were
18 biologically related to the minor as defined in subsection
19 B of Section 1 and (ii) either the adoptive parent has died
20 (or both adoptive parents have died in the case of 2
21 adoptive parents) and no standby guardian or standby
22 adoptive parent has been appointed for the minor, and no
23 guardian has been appointed by the adoptive parent for the
24 minor through a will; or due to a mental or physical
25 impairment the adoptive parent is no longer able to provide
26 care for the minor and the adoptive parent has consented in

1 open court, or by such means as is approved by the court,
2 to the adoption of the minor by the petitioner; and

3 (4) the former parent named in the petition wishes to
4 adopt the minor and meets the criteria established in this
5 Section to adopt; and

6 (5) it is in the best interests of the minor to have
7 the petitioner adopt and have parental rights reinstated.

8 (b) The petition may be filed by any party or by the former
9 parent now seeking to adopt the minor.

10 (c) Where a former parent seeks to have a court order for
11 adoption, the following procedures shall apply:

12 (1) In addition to the requirements set out in this Act
13 in Section 5, a petition by a former parent to adopt filed
14 by a former parent shall include the following allegations:

15 (A) that his or her parental rights were previously
16 terminated pursuant to Section 2-29 of the Juvenile
17 Court Act of 1987;

18 (B) the basis upon which his or her parental rights
19 were terminated;

20 (C) that the petitioner is able and willing to
21 resume care, custody, and control of the minor;

22 (D) that the adoptive parent of the minor is
23 deceased and no standby guardian or standby adoptive
24 parent has been appointed for the minor, and no
25 guardian has been appointed by the adoptive parent for
26 the minor through a will; or the adoptive parent is no

1 longer able to provide care for the minor due to a
2 mental or physical impairment and has consented to the
3 petitioner's adoption of the minor in open court or by
4 such means as is approved by the court; and

5 (E) that it is in the best interests of the minor
6 to be adopted by the petitioner and for the
7 petitioner's parental rights to be reinstated.

8 (2) A former parent shall not have standing to file a
9 petition for adoption, where the minor is the subject of a
10 pending petition filed under Article II of the Juvenile
11 Court Act of 1987. If the minor named in the petition for
12 adoption is not the subject of a pending petition filed
13 under Article II of the Juvenile Court Act of 1987, a
14 former parent shall have standing to file a petition for
15 adoption only if: the adoptive parent is deceased and no
16 standby guardian or standby adoptive parent has been
17 appointed for the minor, and no guardian has been appointed
18 by the adoptive parent for the minor through a will; or the
19 adoptive parent is no longer able to provide care for the
20 minor due to a mental or physical impairment and has
21 consented to such adoption in open court or by such means
22 as is approved by the court.

23 (d) Interim order. Following presentment of a petition for
24 adoption by a former parent concerning a child who was
25 previously named in a petition filed under Article II of the
26 Juvenile Court Act of 1987 the following procedures and

1 safeguards shall be employed, in addition to the applicable
2 requirements set out in this Act, and shall be included in the
3 written interim order for the adoption by a former parent:

4 (1) In determining the minor's best interests pursuant
5 to Section 2-29 of the Juvenile Court Act of 1987 and this
6 Act, the Court shall consider, in addition to the factors
7 set forth in subsection 4.05 of Section 1-3 of the Juvenile
8 Court Act of 1987, the reasons why the case was initially
9 brought to the attention of the juvenile court and adoption
10 proceedings were instituted, the history of the case as it
11 relates to the former parent seeking adoption, and the
12 current circumstances of the former parent for whom
13 adoption is sought.

14 (2) In any case involving a child who meets these
15 criteria for adoption by a former parent, the Department of
16 Children and Family Services shall be appointed as the
17 investigator as outlined in Section 6 to conduct an
18 investigation and report to the court (i) the facts and
19 circumstances which raised concerns as to the petitioner's
20 ability and willingness to provide adequate care and
21 protection to children in his or her custody, (ii) an
22 assessment of the petitioner's current ability and
23 willingness to provide adequate care and protection for the
24 child named in the petition, and (iii) any information
25 which might reasonably raise a concern as to the child's
26 safety, well being, or best interests should the court

1 grant the petition to adopt by the former parent.

2 (3) In selecting the minor's guardian ad litem,
3 pursuant to subsection B of Section 13, whenever practical,
4 the court shall give preference to the guardian ad litem
5 who represented the minor in the juvenile court proceeding.
6 The guardian ad litem shall have the right to review and
7 copy all records, including juvenile court records
8 relating to the petitioner, the minor, and the minor's
9 siblings and half siblings.

10 (4) The report of the investigator and the guardian ad
11 litem shall be presented in writing to the court and shall
12 serve as a basis for the order of court upon the petition
13 for adoption by a former parent.

14 (e) Order of adoption.

15 (1) If it is proved to the satisfaction of the court
16 that the adoption will be in the best interests of the
17 minor, after such investigation as the court deems
18 necessary, an order of adoption shall be entered.

19 (2) An order of adoption shall be final as to all
20 findings and shall be entered in writing.

21 (3) Upon the entry of an order granting a petition to
22 adopt by a former parent, all parental rights of the former
23 parent named in the order shall be reinstated and the
24 physical care, custody and control of the minor shall be
25 reinstated to the former parent.

26 (4) The order of adoption shall include an order to the

1 Illinois Department of Public Health to issue a new birth
2 certificate for the person who is the subject of the
3 petition for adoption by a former parent.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.".