

HB1698



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1698

Introduced 2/16/2011, by

SYNOPSIS AS INTRODUCED:

750 ILCS 50/10

from Ch. 40, par. 1512

Amends the Adoption Act. Provides a form of waiver of parental rights to be used by a putative or legal father of a born or unborn child.

LRB097 07917 AJ0 48032 b

A BILL FOR

1 AN ACT concerning civil law.

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

4 Section 5. The Adoption Act is amended by changing Section
5 10 as follows:

6 (750 ILCS 50/10) (from Ch. 40, par. 1512)

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

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

11 FINAL AND IRREVOCABLE CONSENT TO ADOPTION

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

14 That such child was born on at

15 That I reside at, County of and State of

16 That I am of the age of years.

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

19 That I hereby acknowledge that I have been provided with a
20 copy of the Birth Parent Rights and Responsibilities-Private
21 Form before signing this Consent and that I have had time to
22 read, or have had read to me, this Form. I understand that if I
23 do not receive any of the rights as described in this Form, it

1 shall not constitute a basis to revoke this Final and
2 Irrevocable Consent.

3 That I do hereby consent and agree to the adoption of such
4 child.

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

8 That I understand such child will be placed for adoption
9 and that I cannot under any circumstances, after signing this
10 document, change my mind and revoke or cancel this consent or
11 obtain or recover custody or any other rights over such child.
12 That I have read and understand the above and I am signing it
13 as my free and voluntary act.

14 Dated (insert date).

15

16 If under Section 8 the consent of more than one person is
17 required, then each such person shall execute a separate
18 consent.

19 A-1. (1) The form of the Final and Irrevocable Consent to
20 Adoption by a Specified Person or Persons: Non-DCFS Case set
21 forth in this subsection A-1 is to be used by legal parents
22 only. This form is not to be used in cases in which there is a
23 pending petition under Section 2-13 of the Juvenile Court Act
24 of 1987.

25 (2) The form of the Final and Irrevocable Consent to

1 Adoption by a Specified Person or Persons in a non-DCFS case
2 shall have the caption of the proceeding in which it is to be
3 filed and shall be substantially as follows:

4 FINAL AND IRREVOCABLE CONSENT TO ADOPTION BY

5 A SPECIFIED PERSON OR PERSONS; NON-DCFS CASE

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

8 1. That such child was born on, at, City of ...
9 and State of

10 2. That I reside at, County of and State of

11 3. That I am of the age of years.

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

14 5. That I hereby acknowledge that I have been provided a
15 copy of the Birth Parent Rights and Responsibilities-Private
16 Form before signing this Consent and that I have had time to
17 read, or have had read to me, this Form and that I understand
18 the Rights and Responsibilities described in this Form. I
19 understand that if I do not receive any of my rights as
20 described in said Form, it shall not constitute a basis to
21 revoke this Final and Irrevocable Consent to Adoption by a
22 Specified Person.

23 6. That I do hereby consent and agree to the adoption of
24 such child by (specified persons) only.

25 7. That I wish to and understand that upon signing this
26 consent I do irrevocably and permanently give up all custody

1 and other parental rights I have to such child if such child is
 2 adopted by (specified person or persons). I hereby
 3 transfer all of my rights to the custody, care and control of
 4 such child to (specified person
 5 or persons).

6 8. That I understand such child will be adopted by
 7 (specified person or persons) and that
 8 I cannot under any circumstances, after signing this document,
 9 change my mind and revoke or cancel this consent or obtain or
 10 recover custody or any other rights over such child if
 11 (specified person or persons)
 12 adopt(s) such child; PROVIDED that each specified person has
 13 filed or shall file, within 60 days from the date hereof, a
 14 petition for the adoption of such child.

15 9. That if the specified person or persons designated
 16 herein do not file a petition for adoption within the
 17 time-frame specified above, or, if said petition for adoption
 18 is filed within the time-frame specified above but the adoption
 19 petition is dismissed with prejudice or the adoption proceeding
 20 is otherwise concluded without an order declaring the child to
 21 be the adopted child of the specified person or persons, then I
 22 understand that I will receive written notice of such
 23 circumstances within 10 business days of their occurrence. I
 24 understand that the notice will be directed to me using the
 25 contact information I have provided in this consent. I
 26 understand that I will have 10 business days from the date that

1 the written notice is sent to me to respond, within which time
2 I may request the Court to declare this consent voidable and
3 return the child to me. I further understand that the Court
4 will make the final decision of whether or not the child will
5 be returned to me. If I do not make such request within 10
6 business days of the date of the notice, then I expressly waive
7 any other notice or service of process in any legal proceeding
8 for the adoption of the child.

9 10. That I expressly acknowledge that nothing in this
10 Consent impairs the validity and absolute finality of this
11 Consent under any circumstance other than those described in
12 paragraph 9 of this Consent.

13 11. That I understand that I have a remaining duty and
14 obligation to keep (insert name and address of
15 the attorney for the specified person or persons) informed of
16 my current address or other preferred contact information until
17 this adoption has been finalized. My failure to do so may
18 result in the termination of my parental rights and the child
19 being placed for adoption in another home.

20 12. That I do expressly waive any other notice or service
21 of process in any of the legal proceedings for the adoption of
22 the child as long as the adoption proceeding by the specified
23 person or persons is pending.

24 13. That I have read and understand the above and I am
25 signing it as my free and voluntary act.

26 14. That I acknowledge that this consent is valid even if

1 the specified person or persons separate or divorce or one of
2 the specified persons dies prior to the entry of the final
3 judgment for adoption.

4 Dated (insert date).

5

6 Signature of parent.

7

8 Address of parent.

9

10 Phone number(s) of parent.

11

12 Personal email(s) of parent.

13

14 (3) The form of the certificate of acknowledgement for a
15 Final and Irrevocable Consent for Adoption by a Specified
16 Person or Persons: Non-DCFS Case shall be substantially as
17 follows:

18 STATE OF)

19) SS.

20 COUNTY OF)

21 I, (Name of Judge or other person),
22 (official title, name, and address),
23 certify that, personally known to me to be the
24 same person whose name is subscribed to the foregoing Final and
25 Irrevocable Consent for Adoption by a Specified Person or

1 Persons; non-DCFS case, appeared before me this day in person
2 and acknowledged that (she)(he) signed and delivered the
3 consent as (her)(his) free and voluntary act, for the specified
4 purpose. I am further satisfied that, before signing this
5 Consent, has read, or has had read to him or her, the
6 Birth Parent Rights and Responsibilities-Private Form.

7 A-2. Birth Parent Rights and Responsibilities-Private
8 Form. The Birth Parent Rights and Responsibilities-Private
9 Form must be read by, or have been read to, any person
10 executing a Final and Irrevocable Consent to Adoption under
11 subsection A, a Final and Irrevocable Consent to Adoption by a
12 Specified Person or Persons: Non-DCFS Case under subsection
13 A-1, or a Consent to Adoption of Unborn Child under subsection
14 B prior to the execution of said Consent. The form of the Birth
15 Parent Rights and Responsibilities-Private Form shall be
16 substantially as follows:

17 Birth Parent Rights and Responsibilities-Private Form

18 As a birth parent in the State of Illinois, you have the
19 right:

20 1. To have your own attorney represent you. The prospective
21 adoptive parents may agree to pay for the cost of your attorney
22 in a manner consistent with Illinois law, but they are not
23 required to do so.

24 2. To be treated with dignity and respect at all times and
25 to make decisions free from coercion and pressure.

26 3. To receive counseling before and after signing a Final

1 and Irrevocable Consent to Adoption ("Consent"), a Final and
2 Irrevocable Consent to Adoption by a Specified Person or
3 Persons: Non-DCFS Case ("Specified Consent"), or a Consent to
4 Adoption of Unborn Child ("Unborn Consent"). The prospective
5 adoptive parents may agree to pay for the cost of counseling in
6 a manner consistent with Illinois law, but they are not
7 required to do so.

8 4. To ask to be involved in choosing your child's
9 prospective adoptive parents and to ask to meet them.

10 5. To ask your child's prospective adoptive parents any
11 questions that pertain to your decision to place your child
12 with them.

13 6. To see your child before signing a Consent or Specified
14 Consent.

15 7. To request contact with your child and/or the child's
16 prospective adoptive parents, with the understanding that any
17 promises regarding contact with your child or receipt of
18 information about the child after signing a Consent, Specified
19 Consent, or Unborn Consent cannot be enforced under Illinois
20 law.

21 8. To receive copies of all documents that you sign and
22 have those documents provided to you in your preferred
23 language.

24 9. To request that your identifying information remain
25 confidential, unless required otherwise by Illinois law or
26 court order, and to register with the Illinois Adoption

1 Registry and Medical Information Exchange.

2 10. To work with an adoption agency or attorney of your
3 choice, or change said agency or attorney, provided you
4 promptly inform all of the parties currently involved.

5 11. To receive, upon request, a written list of any
6 promised support, financial or otherwise, from your attorney or
7 the attorney for your child's prospective adoptive parents.

8 12. To delay signing a Consent, Specified Consent, or
9 Unborn Consent if you are not ready to do so.

10 13. To decline to sign a Consent, Specified Consent, or
11 Unborn Consent even if you have received financial support from
12 the prospective adoptive parents.

13 If you do not receive any of the rights described in this
14 Form, it shall not be a basis to revoke a Consent, Specified
15 Consent, or Unborn Consent.

16 As a Birth Parent in the State of Illinois, you have the
17 responsibility:

18 1. To carefully consider your reasons for choosing
19 adoption.

20 2. To voluntarily provide all known medical, background,
21 and family information about yourself and your immediate family
22 to your child's prospective adoptive parents or their attorney.
23 For the health of your child, you are strongly encouraged, but
24 not required, to provide all known medical, background, and
25 family history information about yourself and your family to
26 your child's prospective adoptive parents or their attorney.

1 3. (Birth mothers only) To accurately complete an Affidavit
2 of Identification, which identifies the father of the child
3 when known, with the understanding that a birth mother has a
4 right to decline to identify the birth father.

5 4. To not accept financial support or reimbursement of
6 pregnancy related expenses simultaneously from more than one
7 source.

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

10 CONSENT TO ADOPTION OF UNBORN CHILD

11 I,, state:

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

14 That I reside at County of, and State of

15 That I am of the age of years.

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

18 That I hereby acknowledge that I have been provided with a
19 copy of the Birth Parent Rights and Responsibilities-Private
20 Form before signing this Consent, and that I have had time to
21 read, or have had read to me, this Form. I understand that if I
22 do not receive any of the rights as described in this Form, it
23 shall not constitute a basis to revoke this Consent to Adoption
24 of Unborn Child.

25 That I do hereby consent and agree to the adoption of such
26 child, and that I have not previously executed a consent or

1 surrender with respect to such child.

2 That I wish to and do understand that by signing this
3 consent I do irrevocably and permanently give up all custody
4 and other parental rights I have to such child, except that I
5 have the right to revoke this consent by giving written notice
6 of my revocation not later than 72 hours after the birth of the
7 child.

8 That I understand such child will be placed for adoption
9 and that, except as hereinabove provided, I cannot under any
10 circumstances, after signing this document, change my mind and
11 revoke or cancel this consent or obtain or recover custody or
12 any other rights over such child.

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

15 Dated (insert date).

16

17 B-5. (1) The parent of a child may execute a consent to
18 standby adoption by a specified person or persons. A consent
19 under this subsection B-5 shall be acknowledged by a parent
20 pursuant to subsection H and subsection K of this Section. The
21 form of consent required for the standby adoption of a born
22 child effective at a future date when the consenting parent of
23 the child dies or requests that a final judgment of adoption be
24 entered shall be substantially as follows:

25 FINAL AND IRREVOCABLE CONSENT

26 TO STANDBY ADOPTION

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

3 That the child was born on at

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

5 That I am of the age of years.

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

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

11 That I wish to and understand that by signing this consent
12 I do irrevocably and permanently give up all custody and other
13 parental rights I have to the child, effective upon (my death)
14 (the child's other parent's death) or upon (my) (the other
15 parent's) request for the entry of a final judgment for
16 adoption if (specified person or persons) adopt my child.

17 That I understand that until (I die) (the child's other
18 parent dies), I retain all legal rights and obligations
19 concerning the child, but at that time, I irrevocably give all
20 custody and other parental rights to (specified person or
21 persons).

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

1 persons) adopt my child.

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

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

11 Dated (insert date).

12

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

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

19 If (specified persons) obtain a judgment of
20 dissolution of marriage before the judgment for adoption is
21 entered, then (specified person) shall adopt my child. I
22 understand that I cannot change my mind and revoke this consent
23 or obtain or recover custody of my child if (specified
24 persons) obtain a judgment of dissolution of marriage and
25 (specified person) adopts my child. I understand that I cannot

1 change my mind and revoke this consent if (specified
2 persons) obtain a judgment of dissolution of marriage before
3 the adoption is final. I understand that this consent to
4 adoption has no effect on who will get custody of my child if
5 (specified persons) obtain a judgment of dissolution of
6 marriage after the adoption is final. I understand that if
7 either (specified persons) dies before the petition to
8 adopt my child is granted, then the surviving person may adopt
9 my child. I understand that I cannot change my mind and revoke
10 this consent or obtain or recover custody of my child if the
11 surviving person adopts my child.

12 A consent to standby adoption by specified persons on this
13 form shall have no effect on a court's determination of custody
14 or visitation under the Illinois Marriage and Dissolution of
15 Marriage Act if the marriage of the specified persons is
16 dissolved before the adoption is final.

17 (3) The form of the certificate of acknowledgement for a
18 Final and Irrevocable Consent for Standby Adoption shall be
19 substantially as follows:

20 STATE OF)

21) SS.

22 COUNTY OF)

23 I, (name of Judge or other person) (official
24 title, name, and address), certify that, personally

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

7 I have fully explained that this consent to adoption is
 8 valid only if the petition to adopt is filed, and that if the
 9 specified person or persons, for any reason, cannot or will not
 10 adopt the child or if the adoption petition is denied, then
 11 this consent will be void. I have fully explained that if the
 12 specified person or persons adopt the child, by signing this
 13 consent (she) (he) is irrevocably and permanently
 14 relinquishing all parental rights to the child, and (she) (he)
 15 has stated that such is (her) (his) intention and desire.

16 Dated (insert date).

17 Signature

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

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

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

24 The parent shall not need to take further action to revoke
 25 the consent if the standby adoption by the specified person or
 26 persons does not occur, notwithstanding the provisions of

1 Section 11 of this Act.

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

6 FINAL AND IRREVOCABLE SURRENDER

7 FOR PURPOSES OF ADOPTION

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

10 That such child was born on, at

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

12 That I am of the age of years.

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

20 That I hereby grant to the Agency full power and authority
21 to place such child with any person or persons it may in its
22 sole discretion select to become the adopting parent or parents
23 and to consent to the legal adoption of such child by such
24 person or persons; and to take any and all measures which, in
25 the judgment of the Agency, may be for the best interests of
26 such child, including authorizing medical, surgical and dental

1 care and treatment including inoculation and anaesthesia for
2 such child.

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

6 That I understand I cannot under any circumstances, after
7 signing this surrender, change my mind and revoke or cancel
8 this surrender or obtain or recover custody or any other rights
9 over such child.

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

12 Dated (insert date).

13

14 C-5. The form of a Final and Irrevocable Designated
15 Surrender for Purposes of Adoption to any agency given by a
16 parent of a born child who is to be subsequently placed for
17 adoption shall be substantially as follows and shall contain
18 such other facts and statements as the particular agency shall
19 require:

20 FINAL AND IRREVOCABLE DESIGNATED SURRENDER

21 FOR PURPOSES OF ADOPTION

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

24 1. That such child was born on, at

25 2. That I reside at, County of, and State of
26

1 3. That I am of the age of years.

2 4. That I do hereby surrender and entrust the entire
3 custody and control of such child to the (the "Agency"), a
4 (public) (licensed) child welfare agency with its principal
5 office in the City of, County of and State of,
6 for the purpose of enabling it to care for and supervise the
7 care of such child, to place such child for adoption with
8 (specified person or persons)
9 and to consent to the legal adoption of such child and to take
10 any and all measures which, in the judgment of the Agency, may
11 be for the best interests of such child, including authorizing
12 medical, surgical and dental care and treatment including
13 inoculation and anesthesia for such child.

14 5. That I wish to and understand that by signing this
15 surrender I do irrevocably and permanently give up all custody
16 and other parental rights I have to such child.

17 6. That if the petition for adoption is not filed by the
18 specified person or persons designated herein or, if the
19 petition for adoption is filed but the adoption petition is
20 dismissed with prejudice or the adoption proceeding is
21 otherwise concluded without an order declaring the child to be
22 the adopted child of each specified person, then I understand
23 that the Agency will provide notice to me within 10 business
24 days and that such notice will be directed to me using the
25 contact information I have provided to the Agency. I understand
26 that I will have 10 business days from the date that the Agency

1 sends me its notice to respond, within which time I may choose
2 to designate other adoptive parent(s). However, I acknowledge
3 that the Agency has full power and authority to place the child
4 for adoption with any person or persons it may in its sole
5 discretion select to become the adopting parent or parents and
6 to consent to the legal adoption of the child by such person or
7 persons.

8 7. That I acknowledge that this surrender is valid even if
9 the specified persons separate or divorce or one of the
10 specified persons dies prior to the entry of the final judgment
11 for adoption.

12 8. That I expressly acknowledge that the above paragraphs 6
13 and 7 do not impair the validity and absolute finality of this
14 surrender under any circumstance.

15 9. That I understand that I have a remaining obligation to
16 keep the Agency informed of my current contact information
17 until the adoption of the child has been finalized if I wish to
18 be notified in the event the adoption by the specified
19 person(s) cannot proceed.

20 10. That I understand I cannot under any circumstances,
21 after signing this surrender, change my mind and revoke or
22 cancel this surrender or obtain or recover custody or any other
23 rights over such child.

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

26 Dated (insert date).

1
2

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

7 SURRENDER OF UNBORN CHILD FOR
8 PURPOSES OF ADOPTION

9 I, (father), state:

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

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

13 That I am of the age of years.

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

23 That I hereby grant to the Agency full power and authority
24 to place such child with any person or persons it may in its
25 sole discretion select to become the adopting parent or parents
26 and to consent to the legal adoption of such child by such
person or persons; and to take any and all measures which, in

1 the judgment of the Agency, may be for the best interests of
2 such child, including authorizing medical, surgical and dental
3 care and treatment, including inoculation and anaesthesia for
4 such child.

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

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

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

16 Dated (insert date).
17

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

21 CONSENT

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

24 That I do hereby consent and agree to the adoption of such
25 adult by and

26 Dated (insert date).

1
2

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

5 CONSENT

6 I,, state:

7 That I reside at, County of and State of
8 That I am of the age of years. That I consent and agree to
9 my adoption by and

10 Dated (insert date).

11

12 G. The form of consent given by an agency to the adoption
13 by specified persons of a child previously surrendered to it
14 shall set forth that the agency has the authority to execute
15 such consent. The form of consent given by a guardian of the
16 person of a child sought to be adopted, appointed by a court of
17 competent jurisdiction, shall set forth the facts of such
18 appointment and the authority of the guardian to execute such
19 consent.

20 H. A consent (other than that given by an agency, or
21 guardian of the person of the child sought to be adopted who
22 was appointed by a court of competent jurisdiction) shall be
23 acknowledged by a parent before a judge of a court of competent
24 jurisdiction or, except as otherwise provided in this Act,
25 before a representative of an agency, or before a person, other
26 than the attorney for the prospective adoptive parent or

1 parents, designated by a court of competent jurisdiction.

2 I. A surrender, or any other document equivalent to a
3 surrender, by which a child is surrendered to an agency shall
4 be acknowledged by the person signing such surrender, or other
5 document, before a judge of a court of competent jurisdiction,
6 or, except as otherwise provided in this Act, before a
7 representative of an agency, or before a person designated by a
8 court of competent jurisdiction.

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

12 STATE OF)

13) SS.

14 COUNTY OF ...)

15 I, (Name of judge or other person), (official
16 title, name and location of court or status or position of
17 other person), certify that, personally known to me to be
18 the same person whose name is subscribed to the foregoing
19 (consent) (surrender), appeared before me this day in person
20 and acknowledged that (she) (he) signed and delivered such
21 (consent) (surrender) as (her) (his) free and voluntary act,
22 for the specified purpose.

23 I have fully explained that by signing such (consent)
24 (surrender) (she) (he) is irrevocably relinquishing all
25 parental rights to such child or adult and (she) (he) has
26 stated that such is (her) (his) intention and desire. (Add if

1 Consent only) I am further satisfied that, before signing this
2 Consent, has read, or has had read to him or her, the
3 Birth Parent Rights and Responsibilities-Private Form.

4 Dated (insert date).

5 Signature

6 K. When the execution of a consent or a surrender is
7 acknowledged before someone other than a judge, such other
8 person shall have his or her signature on the certificate
9 acknowledged before a notary public, in form substantially as
10 follows:

11 STATE OF)

12) SS.

13 COUNTY OF ...)

14 I, a Notary Public, in and for the County of, in the
15 State of, certify that, personally known to me to
16 be the same person whose name is subscribed to the foregoing
17 certificate of acknowledgment, appeared before me in person and
18 acknowledged that (she) (he) signed such certificate as (her)
19 (his) free and voluntary act and that the statements made in
20 the certificate are true.

21 Dated (insert date).

22 Signature Notary Public
23 (official seal)

24 There shall be attached a certificate of magistracy, or
25 other comparable proof of office of the notary public

1 satisfactory to the court, to a consent signed and acknowledged
2 in another state.

3 L. A surrender or consent executed and acknowledged outside
4 of this State, either in accordance with the law of this State
5 or in accordance with the law of the place where executed, is
6 valid.

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

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

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

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

26 (b) in whose physical custody at least one sibling of

1 the child who is the subject of this consent has resided
 2 for at least 6 months, and the child who is the subject of
 3 this consent is currently residing in this foster home; or
 4 (c) in whose physical custody a child under one year of
 5 age has resided for at least 3 months.

6 A consent under this subsection O shall be acknowledged by a
 7 parent pursuant to subsection H and subsection K of this
 8 Section.

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

12 FINAL AND IRREVOCABLE CONSENT TO ADOPTION BY

13 A SPECIFIED PERSON OR PERSONS: DCFS CASE

14 I,, the
 15 (mother or father) of amale child,
 16 state:

17 My child (name of child)
 18 was born on (insert date) at Hospital
 19 in County, State of

20 I reside at, County of
 21 and State of

22 I,, am years old.

23 I enter my appearance in this action to adopt my child
 24 by the person or persons specified herein by me and waive
 25 service of summons on me in this action only.

26 I consent to the adoption of my child by

1 (specified person or
2 persons) only.

3 I wish to sign this consent and I understand that by
4 signing this consent I irrevocably and permanently give up
5 all parental rights I have to my child if my child is
6 adopted by (specified person
7 or persons).

8 I understand my child will be adopted by
9 (specified person or
10 persons) only and that I cannot under any circumstances,
11 after signing this document, change my mind and revoke or
12 cancel this consent or obtain or recover custody or any
13 other rights over my child if
14 (specified person or persons) adopt my child.

15 I understand that this consent to adoption is valid
16 only if the petition to adopt is filed within one year from
17 the date that I sign it and that if
18 (specified person or persons), for any reason, cannot or
19 will not file a petition to adopt my child within that one
20 year period or if their adoption petition is denied, then
21 this consent will be voidable after one year upon the
22 timely filing of my motion. If I file this motion before
23 the filing of the petition for adoption, I understand that
24 the court shall revoke this specific consent. I have the
25 right to notice of any other proceeding that could affect
26 my parental rights, except for the proceeding for

1 (specified person or persons) to adopt my
2 child.

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

5 Dated (insert date).

6

7 Signature of parent

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

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

24 I understand that if either
25 (specified persons) dies before the petition to adopt my
26 child is granted, then the surviving person can adopt my

1 child. I understand that I cannot change my mind and revoke
 2 this consent or obtain or recover custody over my child if
 3 the surviving person adopts my child.

4 A consent to adoption by specified persons on this form
 5 shall have no effect on a court's determination of custody or
 6 visitation under the Illinois Marriage and Dissolution of
 7 Marriage Act if the marriage of the specified persons is
 8 dissolved after the adoption is final.

9 (4) The form of the certificate of acknowledgement for a
 10 Final and Irrevocable Consent for Adoption by a Specified
 11 Person or Persons: DCFS Case shall be substantially as follows:

12 STATE OF)
 13) SS.
 14 COUNTY OF

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

23 I have fully explained that this consent to adoption is
 24 valid only if the petition to adopt is filed within one year

1 from the date that it is signed, and that if the specified
 2 person or persons, for any reason, cannot or will not adopt the
 3 child or if the adoption petition is denied, then this consent
 4 will be voidable after one year upon the timely filing of a
 5 motion by the parent to revoke the consent. I explained that if
 6 this motion is filed before the filing of the petition for
 7 adoption, the court shall revoke this specific consent. I have
 8 fully explained that if the specified person or persons adopt
 9 the child, by signing this consent this parent is irrevocably
 10 and permanently relinquishing all parental rights to the child,
 11 and this parent has stated that such is (her) (his) intention
 12 and desire.

13 Dated (insert date).
 14
 15 Signature

16 (5) If a consent to adoption by a specified person or
 17 persons is executed in this form, the following provisions
 18 shall apply. The consent shall be valid only if that specified
 19 person or persons adopt the child. The consent shall be
 20 voidable after one year if:

21 (a) the specified person or persons do not file a
 22 petition to adopt the child within one year after the
 23 consent is signed and the parent files a timely motion to
 24 revoke this consent. If this motion is filed before the
 25 filing of the petition for adoption the court shall revoke
 26 this consent; or

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

2 (c) the Department of Children and Family Services
3 Guardianship Administrator determines that the specified
4 person or persons will not or cannot complete the adoption,
5 or in the best interests of the child should not adopt the
6 child.

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

22 (6) The Department of Children and Family Services is
23 authorized to promulgate rules necessary to implement this
24 subsection O.

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

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

6 P. If the person signing a consent is incarcerated or
7 detained in a correctional facility, prison, jail, detention
8 center, or other comparable institution, either in this State
9 or any other jurisdiction, the execution of such consent may be
10 acknowledged before social service personnel of such
11 institution, or before a person designated by a court of
12 competent jurisdiction.

13 Q. A consent may be acknowledged telephonically, via
14 audiovisual connection, or other electronic means, provided
15 that a court of competent jurisdiction has entered an order
16 approving the execution of the consent in such manner and has
17 designated an individual to be physically present with the
18 parent executing such consent in order to verify the identity
19 of the parent.

20 R. An agency whose representative is acknowledging a
21 consent pursuant to this Section shall be a public child
22 welfare agency, or a child welfare agency, or a child placing
23 agency that is authorized or licensed in the State or
24 jurisdiction in which the consent is signed.

25 S. The form of waiver by a putative or legal father of a
26 born or unborn child shall be substantially as follows:

FINAL AND IRREVOCABLE

WAIVER OF PARENTAL RIGHTS OF PUTATIVE OR LEGAL FATHER

I, , state under oath or affirm as follows:

1. That the biological mother has named me as a possible biological or legal father of her minor child who was born, or is expected to be born on, in City/Town of State of

2. That I understand that the biological mother intends to or has placed the child for adoption.

3. That I reside at in the City/Town of State of

4. That I am years of age and my date of birth is,

5. That I (select one):

..... am married to the biological mother.

..... am not married to the biological mother and have not been married to the biological mother within 300 days before the child's birth or expected date of child's birth.

..... am not currently married to the biological mother, but was married to the biological mother,

1 within 300 days before the child's birth or expected
2 date of child's birth.

3 6. That I (select one)

4 neither admit nor deny that I am the
5 biological father of the child.

6 deny that I am the biological father of the
7 child.

8 7. That I hereby agree to the termination of my
9 parental rights, if any, without further notice to me of
10 any proceeding for the adoption of the minor child, even if
11 I have taken any action to establish parental rights or
12 take any such action in the future including registering
13 with any putative father registry.

14 8. That I understand that by signing this Waiver I do
15 irrevocably and permanently give up all custody and other
16 parental rights I may have to such child.

17 9. That I understand that this Waiver is FINAL AND
18 IRREVOCABLE and that I am permanently barred from
19 contesting any proceeding for the adoption of the child
20 after I sign this Waiver.

21 10. That I waive any further service of summons or
22 other pleadings in any proceeding to terminate parental
23 rights, if any to this child, or any proceeding for
24 adoption of this child.

25 11. That I understand that if a final judgment or order
26 of adoption for this child is not entered, then any

1 parental rights or responsibilities that I may have remain
2 intact.

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

5 Dated: /
6

7 Signature

8 OATH

9 I have been duly sworn and I state under oath that I have read
10 and understood this Final and Irrevocable Waiver of Parental
11 Rights of Putative or Legal Father. The facts contained in it
12 are true and correct to the best of my knowledge. I have signed
13 this document as my free and voluntary act in order to
14 facilitate the adoption of the child.

15
16 Signature

17 Signed and Sworn before me on
18 this day
19 of 20....

20
21 Notary Public

1 (Source: P.A. 96-601, eff. 8-21-09; 96-1461, eff. 1-1-11.)