



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB0104

Introduced 1/17/2025, by Sen. Sara Feigenholtz

SYNOPSIS AS INTRODUCED:

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

Amends the Adoption Act. Provides that in request for a confidential intermediary by an adoptive parent or legal guardian of an adopted or surrendered person under the age of 21, the appointment of the confidential intermediary may include, for the purpose of exchanging medical information, identifying information or arranging contact with a mutually consenting adoptive parent or legal guardian of an adopted or surrendered person under the age of 21 who is biologically related to the petitioning adoptive parent's or legal guardian's adopted or surrendered child. Provides that the confidential intermediary shall disclose identifying information about the adult adopted or surrendered person that would have been reflected on the original filed certificate of birth under certain circumstances. Moves a provision regarding records a confidential intermediary has access to from a Section concerning the Illinois Adoption Registry and Medical Information Exchange to a Section concerning confidential intermediaries.

LRB104 03788 JRC 13812 b

1 AN ACT concerning civil law.

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

4 Section 5. The Adoption Act is amended by changing
5 Sections 18.3 and 18.3a as follows:

6 (750 ILCS 50/18.3) (from Ch. 40, par. 1522.3)

7 Sec. 18.3. (a) The agency, Department of Children and
8 Family Services, Court Supportive Services, Juvenile Division
9 of the Circuit Court, and any other party to the surrender of a
10 child for adoption or in an adoption proceeding shall inform
11 any birth parent or parents relinquishing a child for purposes
12 of adoption after the effective date of this Act of the
13 opportunity to register with the Illinois Adoption Registry
14 and Medical Information Exchange and to utilize the Illinois
15 confidential intermediary program and shall obtain a written
16 confirmation that acknowledges the birth parent's receipt of
17 such information.

18 The birth parent shall be informed in writing that if
19 contact or exchange of identifying information with the adult
20 adopted or surrendered person is to occur, that adult adopted
21 or surrendered person must be 21 years of age or over except as
22 referenced in paragraph (d) of this Section.

23 (b) Any birth parent, birth sibling, adopted or

1 surrendered person, adoptive parent, or legal guardian
2 indicating their desire to receive identifying or medical
3 information shall be informed of the existence of the Registry
4 and assistance shall be given to such person to legally record
5 his or her name with the Registry.

6 (c) The agency, Department of Children and Family
7 Services, Court Supportive Services, Juvenile Division of the
8 Circuit Court, and any other organization involved in the
9 surrender of a child for adoption in an adoption proceeding
10 which has written statements from an adopted or surrendered
11 person and the birth parent or a birth sibling indicating a
12 desire to share identifying information or establish contact
13 shall supply such information to the mutually consenting
14 parties, except that no identifying information shall be
15 supplied to consenting birth siblings if any such sibling is
16 under 21 years of age. However, both the Registry having an
17 Information Exchange Authorization and the organization having
18 a written statement requesting the sharing of identifying
19 information or contact shall communicate with each other to
20 determine if the adopted or surrendered person or the birth
21 parent or birth sibling has signed a form at a later date
22 indicating a change in his or her desires regarding the
23 sharing of information or contact.

24 (d) On and after January 1, 2000, any licensed child
25 welfare agency which provides post-adoption search assistance
26 to adoptive parents, adopted persons, surrendered persons,

1 birth parents, or other birth relatives shall require that any
2 person requesting post-adoption search assistance complete an
3 Illinois Adoption Registry Application prior to the
4 commencement of the search. However, former youth in care as
5 defined in Section 4d of the Children and Family Services Act
6 who have been surrendered or adopted who are (i) between the
7 ages of 18 and 21 and who are seeking contact or an exchange of
8 information with siblings, birth relatives, former foster
9 parents, or former foster siblings or (ii) over the age of 21
10 who are seeking contact with former foster parents or former
11 foster siblings shall not be required to complete an Illinois
12 Adoption Registry Application prior to commencement of the
13 search, provided that the search is performed consistent with
14 applicable Sections of this Act.

15 (e) (Blank). ~~A confidential intermediary shall be~~
16 ~~permitted to access records of closed child welfare agencies~~
17 ~~that are housed in the State Central Storage, in addition to~~
18 ~~the information allowed to be requested in paragraph (g) from~~
19 ~~adoption agencies, if the petitioner is an adult adopted or~~
20 ~~surrendered person, or the adoptive parent of an adult adopted~~
21 ~~person under the age of 21, or the adoptive parent of a~~
22 ~~deceased adopted or surrendered person, and the confidential~~
23 ~~intermediary may request any non-identifying information,~~
24 ~~including any available medical information about the adopted~~
25 ~~or surrendered person from birth through adoption, any~~
26 ~~non identifying information described in Section 18.4, and the~~

1 ~~18.3 statement.~~

2 (Source: P.A. 102-825, eff. 7-1-23; 103-252, eff. 1-1-24.)

3 (750 ILCS 50/18.3a) (from Ch. 40, par. 1522.3a)

4 Sec. 18.3a. Confidential intermediary.

5 (a) General purposes. Notwithstanding any other provision
6 of this Act,

7 (1) any adopted or surrendered person 21 years of age
8 or over; or

9 (2) any adoptive parent or legal guardian of an
10 adopted or surrendered person under the age of 21; or

11 (3) any birth parent of an adopted or surrendered
12 person who is 21 years of age or over; or

13 (4) any adult child or adult grandchild of a deceased
14 adopted or surrendered person; or

15 (5) any adoptive parent or surviving spouse of a
16 deceased adopted or surrendered person; or

17 (6) any adult birth sibling of the adult adopted or
18 surrendered person unless the birth parent has checked
19 Option E on the Birth Parent Preference Form or has filed a
20 Denial of Information Exchange with the Registry and is
21 not deceased; or

22 (7) any adult adopted birth sibling of an adult
23 adopted or surrendered person; or

24 (8) any adult birth sibling of the birth parent if the
25 birth parent is deceased; or

1 (9) any birth grandparent
2 may petition the court in any county in the State of Illinois
3 for appointment of a confidential intermediary as provided in
4 this Section for the purpose of exchanging medical information
5 with one or more mutually consenting biological relatives,
6 obtaining identifying information about one or more mutually
7 consenting biological relatives, or arranging contact with one
8 or more mutually consenting biological relatives. In the case
9 of an adoptive parent or legal guardian of an adopted or
10 surrendered person under the age of 21, the appointment of the
11 confidential intermediary may include, for the purpose of
12 exchanging medical information, identifying information or
13 arranging contact with a mutually consenting adoptive parent
14 or legal guardian of an adopted or surrendered person under
15 the age of 21 who is biologically related to the petitioning
16 adoptive parent's or legal guardian's adopted or surrendered
17 child. The petitioner shall be required to accompany his or
18 her petition with proof of registration with the Illinois
19 Adoption Registry and Medical Information Exchange.

20 (a-5) In addition, any former youth in care as defined in
21 Section 4d of the Children and Family Services Act who was
22 adopted or surrendered may petition the court in any county in
23 the State for appointment of a confidential intermediary as
24 provided in this Section for the purposes of obtaining
25 identifying information or arranging contact with (i) siblings
26 or birth relatives if the former youth in care is between the

1 ages of 18 and 21 or (ii) former foster parents or foster
2 siblings if the former youth in care is over the age of 18. A
3 petitioner under this subsection is not required to register
4 with the Illinois Adoption Registry and Medical Information
5 Exchange.

6 (b) Petition. Upon petition, the court shall appoint a
7 confidential intermediary. The petition shall indicate if the
8 petitioner wants to do any one or more of the following as to
9 the sought-after relative or relatives: exchange medical
10 information with the biological relative or relatives, obtain
11 identifying information from the biological relative or
12 relatives, or to arrange contact with the biological relative.

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

17 (d) Fees and expenses. The court shall not condition the
18 appointment of the confidential intermediary on the payment of
19 the intermediary's fees and expenses in advance of the
20 commencement of the work of the confidential intermediary. No
21 fee shall be charged to any petitioner.

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

1 course of training including, but not limited to, applicable
2 federal and State privacy laws.

3 (f) (Blank).

4 (g) Confidential intermediary access to information.
5 Subject to the limitations of subsection (i) of this Section,
6 the confidential intermediary shall have access to vital
7 records maintained by the Department of Public Health and its
8 local designees for the maintenance of vital records, or a
9 comparable public entity that maintains vital records in
10 another state in accordance with that state's laws, and all
11 records of the court or any adoption agency, public or
12 private, as limited in this Section, which relate to the
13 adoption or the identity and location of an adopted or
14 surrendered person, of an adult child or surviving spouse of a
15 deceased adopted or surrendered person, or of a birth parent,
16 birth sibling, or the sibling of a deceased birth parent. The
17 confidential intermediary shall not have access to any
18 personal health information protected by the Standards for
19 Privacy of Individually Identifiable Health Information
20 adopted by the U.S. Department of Health and Human Services
21 under the Health Insurance Portability and Accountability Act
22 of 1996 unless the confidential intermediary has obtained
23 written consent from the person whose information is being
24 sought by an adult adopted or surrendered person or, if that
25 person is a minor child, that person's parent or guardian.
26 Confidential intermediaries shall be authorized to inspect

1 confidential relinquishment and adoption records. The
2 confidential intermediary shall not be authorized to access
3 medical records, financial records, credit records, banking
4 records, home studies, attorney file records, or other
5 personal records. In cases where a birth parent is being
6 sought, an adoption agency shall inform the confidential
7 intermediary of any statement filed pursuant to Section 18.3,
8 hereinafter referred to as "the 18.3 statement", indicating a
9 desire of the surrendering birth parent to have identifying
10 information shared or to not have identifying information
11 shared. Information provided to the confidential intermediary
12 by an adoption agency shall be restricted to the full name,
13 date of birth, place of birth, last known address, last known
14 telephone number of the sought-after relative or, if
15 applicable, of the children or siblings of the sought-after
16 relative, and the 18.3 statement. If the petitioner is an
17 adult adopted or surrendered person or the adoptive parent of
18 a minor and if the petitioner has signed a written
19 authorization to disclose personal medical information, an
20 adoption agency disclosing information to a confidential
21 intermediary shall disclose available medical information
22 about the adopted or surrendered person from birth through
23 adoption.

24 (h) Missing or lost original birth certificate; remedy.
25 Disclosure of information by the confidential intermediary
26 shall be consistent with the public policy and intent of laws

1 granting original birth certificate access as expressed in
2 Section 18.04 of this Act. The confidential intermediary shall
3 comply with the following procedures in disclosing information
4 to the petitioners:

5 (1) If the petitioner is an adult adopted or
6 surrendered person, or the adult child, adult grandchild,
7 or surviving spouse of a deceased adopted or surrendered
8 person, the confidential intermediary shall disclose:

9 (A) identifying information about the birth parent
10 of the adopted person and about the adult adopted or
11 surrendered person, which, in the ordinary course of
12 business, would have been reflected on the original
13 filed certificate of birth, as of the date of birth,
14 only if:

15 (i) the adopted person was born before January
16 1, 1946 and the petitioner has requested a
17 non-certified copy of the adopted person's
18 original birth certificate under Section 18.1 of
19 this Act, and the Illinois Department of Public
20 Health has issued a certification that the
21 original birth certificate was not found, or the
22 petitioner has presented the confidential
23 intermediary with the non-certified copy of the
24 original birth certificate which omits the name of
25 the birth parent;

26 (ii) the adopted person was born after January

1 1, 1946, and the petitioner has requested a
2 non-certified copy of the adopted person's
3 original birth certificate under Section 18.1 of
4 this Act and the Illinois Department of Public
5 Health has issued a certification that the
6 original birth certificate was not found.

7 In providing information pursuant to this
8 subdivision (h)(1)(A), the confidential intermediary
9 shall expressly inform the petitioner in writing that
10 since the identifying information is not from an
11 official original certificate of birth filed pursuant
12 to the Vital Records Act, the confidential
13 intermediary cannot attest to the complete accuracy of
14 the information and the confidential intermediary
15 shall not be liable if the information disclosed is
16 not accurate. Only information from the court files
17 shall be provided to the petitioner in this Section.
18 If the identifying information concerning a birth
19 father is sought by the petitioner, the confidential
20 intermediary shall disclose only the identifying
21 information of the birth father as defined in Section
22 18.06 of this Act;

23 (B) the name of the child welfare agency which had
24 legal custody of the surrendered person or
25 responsibility for placing the surrendered person and
26 any available contact information for such agency;

1 (C) the name of the state in which the surrender
2 occurred or in which the adoption was finalized; and

3 (D) any information for which the sought-after
4 relative has provided his or her consent to disclose
5 under paragraphs (1) through (4) of subsection (i) of
6 this Section.

7 (2) If the petitioner is an adult adopted or
8 surrendered person, or the adoptive parent of an adult
9 adopted or surrendered person under the age of 21, or the
10 adoptive parent of a deceased adopted or surrendered
11 person, the confidential intermediary shall provide, in
12 addition to the information listed in paragraph (1) of
13 this subsection (h):

14 (A) any information which the adoption agency
15 provides pursuant to subsection (i) of this Section
16 pertaining to medical information about the adopted or
17 surrendered person; and

18 (B) any non-identifying information, as defined in
19 Section 18.4 of this Act, that is obtained during the
20 search.

21 (3) If the petitioner is not defined in paragraph (1)
22 or (2) of this subsection, the confidential intermediary
23 shall provide to the petitioner:

24 (A) any information for which the sought-after
25 relative has provided his or her consent under
26 paragraphs (1) through (4) of subsection (i) of this

1 Section;

2 (B) the name of the child welfare agency which had
3 legal custody of the surrendered person or
4 responsibility for placing the surrendered person and
5 any available contact information for such agency; and

6 (C) the name of the state in which the surrender
7 occurred or in which the adoption was finalized.

8 (h-5) Disclosure of information shall be made by the
9 confidential intermediary at any time from the appointment of
10 the confidential intermediary and the court's issuance of an
11 order of dismissal.

12 (i) Duties of confidential intermediary in conducting a
13 search. In conducting a search under this Section, the
14 confidential intermediary shall first determine whether there
15 is a Denial of Information Exchange or a Birth Parent
16 Preference Form with Option E selected or an 18.3 statement
17 referenced in subsection (g) of this Section on file with the
18 Illinois Adoption Registry. If there is a denial, the Birth
19 Parent Preference Form on file with the Registry and the birth
20 parent who completed the form selected Option E, or if there is
21 an 18.3 statement indicating the birth parent's intent not to
22 have identifying information shared and the birth parent did
23 not later file an Information Exchange Authorization with the
24 Registry, the confidential intermediary must discontinue the
25 search unless 5 years or more have elapsed since the execution
26 of the Denial of Information Exchange, Birth Parent Preference

1 Form, or the 18.3 statement. If a birth parent was previously
2 the subject of a search through the State confidential
3 intermediary program, the confidential intermediary shall
4 inform the petitioner of the need to discontinue the search
5 until 10 years or more have elapsed since the initial search
6 was closed. In cases where a birth parent has been the object
7 of 2 searches through the State confidential intermediary
8 program, no subsequent search for the birth parent shall be
9 authorized absent a court order to the contrary.

10 In conducting a search under this Section, the
11 confidential intermediary shall attempt to locate the relative
12 or relatives from whom the petitioner has requested
13 information. If the sought-after relative is deceased or
14 cannot be located after a diligent search, the confidential
15 intermediary may contact other adult relatives of the
16 sought-after relative.

17 The confidential intermediary shall contact a sought-after
18 relative on behalf of the petitioner in a manner that respects
19 the sought-after relative's privacy and shall inform the
20 sought-after relative of the petitioner's request for medical
21 information, identifying information or contact as stated in
22 the petition. Based upon the terms of the petitioner's
23 request, the confidential intermediary shall contact a
24 sought-after relative on behalf of the petitioner and inform
25 the sought-after relative of the following options:

- 26 (1) The sought-after relative may totally reject one

1 or all of the requests for medical information,
2 identifying information or contact. The sought-after
3 relative shall be informed that they can provide a medical
4 questionnaire to be forwarded to the petitioner without
5 releasing any identifying information. The confidential
6 intermediary shall inform the petitioner of the
7 sought-after relative's decision to reject the sharing of
8 information or contact.

9 (2) The sought-after relative may consent to
10 completing a medical questionnaire only. In this case, the
11 confidential intermediary shall provide the questionnaire
12 and ask the sought-after relative to complete it. The
13 confidential intermediary shall forward the completed
14 questionnaire to the petitioner and inform the petitioner
15 of the sought-after relative's desire to not provide any
16 additional information.

17 (3) The sought-after relative may communicate with the
18 petitioner without having his or her identity disclosed.
19 In this case, the confidential intermediary shall arrange
20 the desired communication in a manner that protects the
21 identity of the sought-after relative. The confidential
22 intermediary shall inform the petitioner of the
23 sought-after relative's decision to communicate but not
24 disclose his or her identity.

25 (4) The sought-after relative may consent to initiate
26 contact with the petitioner. The confidential intermediary

1 shall obtain written consents from both parties that they
2 wish to disclose their identities to each other and to
3 have contact with each other.

4 (j) Oath. The confidential intermediary shall sign an oath
5 of confidentiality substantially as follows: "I,,
6 being duly sworn, on oath depose and say: As a condition of
7 appointment as a confidential intermediary, I affirm that:

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

11 (2) I recognize that violation of this oath subjects
12 me to civil liability and to a potential finding of
13 contempt of court.

14 SUBSCRIBED AND SWORN to before me, a Notary Public, on (insert
15 date)

16"

17 (k) Sanctions.

18 (1) Any confidential intermediary who improperly
19 discloses confidential information identifying a
20 sought-after relative shall be liable to the sought-after
21 relative for damages and may also be found in contempt of
22 court.

23 (2) Any person who learns a sought-after relative's
24 identity, directly or indirectly, through the use of
25 procedures provided in this Section and who improperly
26 discloses information identifying the sought-after

1 relative shall be liable to the sought-after relative for
2 actual damages plus minimum punitive damages of \$10,000.

3 (3) The Department shall fine any confidential
4 intermediary who improperly discloses confidential
5 information in violation of item (1) or (2) of this
6 subsection (k) an amount up to \$2,000 per improper
7 disclosure. This fine does not affect civil liability
8 under item (2) of this subsection (k). The Department
9 shall deposit all fines and penalties collected under this
10 Section into the Illinois Adoption Registry and Medical
11 Information Fund.

12 (1) Death of person being sought. Notwithstanding any
13 other provision of this Act, if the confidential intermediary
14 discovers that the person being sought has died, he or she
15 shall report this fact to the court, along with a copy of the
16 death certificate. If the sought-after relative is a birth
17 parent, the confidential intermediary shall also forward a
18 copy of the birth parent's death certificate, if available, to
19 the Registry for inclusion in the Registry file.

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

1 (n) (Blank).

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

1 this Section.

2 (q) (Blank).

3 Any reimbursements and fines, notwithstanding any
4 reimbursement directly to the petitioner, paid under this
5 subsection are in addition to other remedies a court may
6 otherwise impose by law.

7 The Department of Children and Family Services shall
8 submit reports to the Adoption Registry-Confidential
9 Intermediary Advisory Council by July 1 and January 1 of each
10 year in order to report the penalties assessed and collected
11 under this subsection, the amounts of related deposits into
12 the DCFS Children's Services Fund, and any expenditures from
13 such deposits.

14 (r) A confidential intermediary shall be permitted to
15 access information from closed child welfare agencies whose
16 records are housed in the State Central Storage consistent
17 with paragraph (g) for all petitioners. If the petitioner is
18 an adult adopted or surrendered person, the adoptive parent of
19 an adult adopted person under the age of 21, or the adoptive
20 parent of a deceased adopted or surrendered person, the
21 confidential intermediary may request any non-identifying
22 information, including any available medical information about
23 the adopted or surrendered person from birth through adoption,
24 any non-identifying information described in Section 18.4, and
25 the Section 18.3 statement.

26 (Source: P.A. 102-825, eff. 7-1-23.)