



Rep. Michelle Mussman

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10200HB4227ham001

LRB102 21490 KTG 31504 a

1 AMENDMENT TO HOUSE BILL 4227

2 AMENDMENT NO. _____. Amend House Bill 4227 on page 3,
3 immediately below line 19, by inserting the following:

4 "Section 10. The Adoption Act is amended by changing
5 Section 8 as follows:

6 (750 ILCS 50/8) (from Ch. 40, par. 1510)

7 Sec. 8. Consents to adoption and surrenders for purposes
8 of adoption.

9 (a) Except as hereinafter provided in this Section
10 consents or surrenders shall be required in all cases, unless
11 the person whose consent or surrender would otherwise be
12 required shall be found by the court:

13 (1) to be an unfit person as defined in Section 1 of
14 this Act, by clear and convincing evidence; or

15 (2) not to be the biological or adoptive father of the
16 child; or

1 (3) to have waived his parental rights to the child
2 under Section 12a or 12.1 or subsection S of Section 10 of
3 this Act; or

4 (4) to be the parent of an adult sought to be adopted;
5 or

6 (5) to be the father of the child as a result of
7 criminal sexual abuse or assault as defined under Article
8 11 of the Criminal Code of 2012; or

9 (6) to be the father of a child who:

10 (i) is a family member of the mother of the child,
11 and the mother is under the age of 18 at the time of
12 the child's conception; for purposes of this
13 subsection, a "family member" is a parent,
14 step-parent, grandparent, step-grandparent, sibling,
15 or cousin of the first degree, whether by whole blood,
16 half-blood, or adoption, as well as a person age 18 or
17 over at the time of the child's conception who has
18 resided in the household with the mother continuously
19 for at least one year; or

20 (ii) is at least 5 years older than the child's
21 mother, and the mother was under the age of 17 at the
22 time of the child's conception, unless the mother and
23 father voluntarily acknowledge the father's paternity
24 of the child by marrying or by establishing the
25 father's paternity by consent of the parties pursuant
26 to the Illinois Parentage Act of 2015 or pursuant to a

1 substantially similar statute in another state.

2 A criminal conviction of any offense pursuant to
3 Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
4 11-1.70, 12C-5, 12C-10, 12C-35, 12C-40, 12C-45, 18-6,
5 19-6, or Article 12 of the Criminal Code of 1961 or the
6 Criminal Code of 2012 is not required.

7 (a-5) Notwithstanding any other provision of this Section,
8 no consents or surrenders are required in cases where the
9 child is relinquished in accordance with the Abandoned Newborn
10 Infant Protection Act.

11 (b) Where consents are required in the case of an adoption
12 of a minor child, the consents of the following persons shall
13 be sufficient:

14 (1) (A) The mother of the minor child; and

15 (B) The father of the minor child, if the father:

16 (i) was married to the mother on the date of
17 birth of the child or within 300 days before the
18 birth of the child, except for a husband or former
19 husband who has been found by a court of competent
20 jurisdiction not to be the biological father of
21 the child; or

22 (ii) is the father of the child under a
23 judgment for adoption, an order of parentage, or
24 an acknowledgment of parentage or paternity
25 pursuant to subsection (a) of Section 5 of the
26 Illinois Parentage Act of 1984 or pursuant to

1 Article 3 of the Illinois Parentage Act of 2015;
2 or

3 (iii) in the case of a child placed with the
4 adopting parents less than 6 months after birth,
5 openly lived with the child, the child's
6 biological mother, or both, and held himself out
7 to be the child's biological father during the
8 first 30 days following the birth of the child; or

9 (iv) in the case of a child placed with the
10 adopting parents less than 6 months after birth,
11 made a good faith effort to pay a reasonable
12 amount of the expenses related to the birth of the
13 child and to provide a reasonable amount for the
14 financial support of the child before the
15 expiration of 30 days following the birth of the
16 child, provided that the court may consider in its
17 determination all relevant circumstances,
18 including the financial condition of both
19 biological parents; or

20 (v) in the case of a child placed with the
21 adopting parents more than 6 months after birth,
22 has maintained substantial and continuous or
23 repeated contact with the child as manifested by:
24 (I) the payment by the father toward the support
25 of the child of a fair and reasonable sum,
26 according to the father's means, and either (II)

1 the father's visiting the child at least monthly
2 when physically and financially able to do so and
3 not prevented from doing so by the person or
4 authorized agency having lawful custody of the
5 child, or (III) the father's regular communication
6 with the child or with the person or agency having
7 the care or custody of the child, when physically
8 and financially unable to visit the child or
9 prevented from doing so by the person or
10 authorized agency having lawful custody of the
11 child. The subjective intent of the father,
12 whether expressed or otherwise unsupported by
13 evidence of acts specified in this sub-paragraph
14 as manifesting such intent, shall not preclude a
15 determination that the father failed to maintain
16 substantial and continuous or repeated contact
17 with the child; or

18 (vi) in the case of a child placed with the
19 adopting parents more than six months after birth,
20 openly lived with the child for a period of six
21 months within the one year period immediately
22 preceding the placement of the child for adoption
23 and openly held himself out to be the father of the
24 child; or

25 (vii) has timely registered with Putative
26 Father Registry, as provided in Section 12.1 of

1 this Act, and prior to the expiration of 30 days
2 from the date of such registration, commenced
3 legal proceedings to establish paternity under the
4 Illinois Parentage Act of 1984, under the Illinois
5 Parentage Act of 2015, or under the law of the
6 jurisdiction of the child's birth; or

7 (2) The legal guardian of the person of the child, if
8 there is no surviving parent; or

9 (3) An agency, if the child has been surrendered for
10 adoption to such agency; or

11 (4) Any person or agency having legal custody of a
12 child by court order if the parental rights of the parents
13 have been judicially terminated, and the court having
14 jurisdiction of the guardianship of the child has
15 authorized the consent to the adoption; or

16 (5) The execution and verification of the petition by
17 any petitioner who is also a parent of the child sought to
18 be adopted shall be sufficient evidence of such parent's
19 consent to the adoption.

20 (c) Where surrenders to an agency are required in the case
21 of a placement for adoption of a minor child by an agency, the
22 surrenders of the following persons shall be sufficient:

23 (1) (A) The mother of the minor child; and

24 (B) The father of the minor child, if the father:

25 (i) was married to the mother on the date of
26 birth of the child or within 300 days before the

1 birth of the child, except for a husband or former
2 husband who has been found by a court of competent
3 jurisdiction not to be the biological father of
4 the child; or

5 (ii) is the father of the child under a
6 judgment for adoption, an order of parentage, or
7 an acknowledgment of parentage or paternity
8 pursuant to subsection (a) of Section 5 of the
9 Illinois Parentage Act of 1984 or pursuant to
10 Article 3 of the Illinois Parentage Act of 2015;
11 or

12 (iii) in the case of a child placed with the
13 adopting parents less than 6 months after birth,
14 openly lived with the child, the child's
15 biological mother, or both, and held himself out
16 to be the child's biological father during the
17 first 30 days following the birth of a child; or

18 (iv) in the case of a child placed with the
19 adopting parents less than 6 months after birth,
20 made a good faith effort to pay a reasonable
21 amount of the expenses related to the birth of the
22 child and to provide a reasonable amount for the
23 financial support of the child before the
24 expiration of 30 days following the birth of the
25 child, provided that the court may consider in its
26 determination all relevant circumstances,

1 including the financial condition of both
2 biological parents; or

3 (v) in the case of a child placed with the
4 adopting parents more than six months after birth,
5 has maintained substantial and continuous or
6 repeated contact with the child as manifested by:

7 (I) the payment by the father toward the support
8 of the child of a fair and reasonable sum,
9 according to the father's means, and either (II)

10 the father's visiting the child at least monthly
11 when physically and financially able to do so and
12 not prevented from doing so by the person or
13 authorized agency having lawful custody of the

14 child or (III) the father's regular communication
15 with the child or with the person or agency having
16 the care or custody of the child, when physically

17 and financially unable to visit the child or
18 prevented from doing so by the person or
19 authorized agency having lawful custody of the

20 child. The subjective intent of the father,
21 whether expressed or otherwise, unsupported by
22 evidence of acts specified in this sub-paragraph

23 as manifesting such intent, shall not preclude a
24 determination that the father failed to maintain
25 substantial and continuous or repeated contact

26 with the child; or

1 (vi) in the case of a child placed with the
2 adopting parents more than six months after birth,
3 openly lived with the child for a period of six
4 months within the one year period immediately
5 preceding the placement of the child for adoption
6 and openly held himself out to be the father of the
7 child; or

8 (vii) has timely registered with the Putative
9 Father Registry, as provided in Section 12.1 of
10 this Act, and prior to the expiration of 30 days
11 from the date of such registration, commenced
12 legal proceedings to establish paternity under the
13 Illinois Parentage Act of 1984, under the Illinois
14 Parentage Act of 2015, or under the law of the
15 jurisdiction of the child's birth.

16 (d) In making a determination under subparagraphs (b) (1)
17 and (c) (1), no showing shall be required of diligent efforts
18 by a person or agency to encourage the father to perform the
19 acts specified therein.

20 (e) In the case of the adoption of an adult, only the
21 consent of such adult shall be required.

22 (Source: P.A. 99-85, eff. 1-1-16.)".