

# SB2134



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2134

Introduced 2/10/2023, by Sen. Sara Feigenholtz

### SYNOPSIS AS INTRODUCED:

750 ILCS 50/18.3

from Ch. 40, par. 1522.3

Amends the Adoption Act. Provides that any licensed child welfare agency that provides post-adoption search assistance may request non-identifying, historical information from the Department of Children and Family Services for private adoption agencies that have closed whose records are housed in the State Central Storage.

LRB103 27443 LNS 53815 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 18.3 as follows:

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

7 (Text of Section before amendment by P.A. 102-825)

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

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

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

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

25           (d) On and after January 1, 2000, any licensed child  
26 welfare agency which provides post-adoption search assistance

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

13 (Source: P.A. 100-159, eff. 8-18-17.)

14 (Text of Section after amendment by P.A. 102-825)

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

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

6           (b) Any birth parent, birth sibling, adopted or  
7 surrendered person, adoptive parent, or legal guardian  
8 indicating their desire to receive identifying or medical  
9 information shall be informed of the existence of the Registry  
10 and assistance shall be given to such person to legally record  
11 his or her name with the Registry.

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

1 parent or birth sibling has signed a form at a later date  
2 indicating a change in his or her desires regarding the  
3 sharing of information or contact.

4 (d) On and after January 1, 2000, any licensed child  
5 welfare agency which provides post-adoption search assistance  
6 to adoptive parents, adopted persons, surrendered persons,  
7 birth parents, or other birth relatives shall require that any  
8 person requesting post-adoption search assistance complete an  
9 Illinois Adoption Registry Application prior to the  
10 commencement of the search. However, former youth in care as  
11 defined in Section 4d of the Children and Family Services Act  
12 who have been surrendered or adopted who are (i) between the  
13 ages of 18 and 21 and who are seeking contact or an exchange of  
14 information with siblings, birth relatives, former foster  
15 parents, or former foster siblings or (ii) over the age of 21  
16 who are seeking contact with former foster parents or former  
17 foster siblings shall not be required to complete an Illinois  
18 Adoption Registry Application prior to commencement of the  
19 search, provided that the search is performed consistent with  
20 applicable Sections of this Act.

21 (e) Any licensed child welfare agency that provides  
22 post-adoption search assistance may request non-identifying,  
23 historical information from the Department of Children and  
24 Family Services for private adoption agencies that have closed  
25 whose records are housed in the State Central Storage so long  
26 as subsection (e) of Section 18.1b procedures are followed.

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

2 Section 95. No acceleration or delay. Where this Act makes  
3 changes in a statute that is represented in this Act by text  
4 that is not yet or no longer in effect (for example, a Section  
5 represented by multiple versions), the use of that text does  
6 not accelerate or delay the taking effect of (i) the changes  
7 made by this Act or (ii) provisions derived from any other  
8 Public Act.