



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4220

Introduced 2/27/2009, by Rep. Al Riley

SYNOPSIS AS INTRODUCED:

750 ILCS 50/12.1

Amends the Adoption Act. Provides that a lack of knowledge of the pregnancy or birth is not an acceptable reason for failure to register with the Putative Father Registry, unless that lack of knowledge was due to a fraudulent misrepresentation by the birth mother (instead of a lack of knowledge of the pregnancy or birth is not an acceptable reason for failure to register). Provides that a putative father who brought an action to assert an interest in the child, but who did not obtain a ruling from the court that he proved by clear and convincing evidence the 3 conditions of subsection (g), has an opportunity to present evidence at a hearing to overcome the prima facie evidence of sufficient grounds to support termination of his father's rights under this Act.

LRB096 10253 AJO 20421 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 Section
5 12.1 as follows:

6 (750 ILCS 50/12.1)

7 Sec. 12.1. Putative Father Registry. The Department of
8 Children and Family Services shall establish a Putative Father
9 Registry for the purpose of determining the identity and
10 location of a putative father of a minor child who is, or is
11 expected to be, the subject of an adoption proceeding, in order
12 to provide notice of such proceeding to the putative father.
13 The Department of Children and Family Services shall establish
14 rules and informational material necessary to implement the
15 provisions of this Section. The Department shall have the
16 authority to set reasonable fees for the use of the Registry.
17 All such fees for the use of the Registry that are received by
18 the Department or its agent shall be deposited into the fund
19 authorized under subsection (b) of Section 25 of the Children
20 and Family Services Act. The Department shall use the moneys in
21 that fund for the purpose of maintaining the Registry.

22 (a) The Department shall maintain the following
23 information in the Registry:

1 (1) With respect to the putative father:

2 (i) Name, including any other names by which the
3 putative father may be known and that he may provide to
4 the Registry;

5 (ii) Address at which he may be served with notice
6 of a petition under this Act, including any change of
7 address;

8 (iii) Social Security Number;

9 (iv) Date of birth; and

10 (v) If applicable, a certified copy of an order by
11 a court of this State or of another state or territory
12 of the United States adjudicating the putative father
13 to be the father of the child.

14 (2) With respect to the mother of the child:

15 (i) Name, including all other names known to the
16 putative father by which the mother may be known;

17 (ii) If known to the putative father, her last
18 address;

19 (iii) Social Security Number; and

20 (iv) Date of birth.

21 (3) If known to the putative father, the name, gender,
22 place of birth, and date of birth or anticipated date of
23 birth of the child.

24 (4) The date that the Department received the putative
25 father's registration.

26 (5) Other information as the Department may by rule

1 determine necessary for the orderly administration of the
2 Registry.

3 (b) A putative father may register with the Department
4 before the birth of the child but shall register no later than
5 30 days after the birth of the child. All registrations shall
6 be in writing and signed by the putative father. No fee shall
7 be charged for the initial registration. The Department shall
8 have no independent obligation to gather the information to be
9 maintained.

10 (c) An interested party, including persons intending to
11 adopt a child, a child welfare agency with whom the mother has
12 placed or has given written notice of her intention to place a
13 child for adoption, the mother of the child, or an attorney
14 representing an interested party may request that the
15 Department search the Registry to determine whether a putative
16 father is registered in relation to a child who is or may be
17 the subject to an adoption petition.

18 (d) A search of the Registry may be proven by the
19 production of a certified copy of the registration form, or by
20 the certified statement of the administrator of the Registry
21 that after a search, no registration of a putative father in
22 relation to a child who is or may be the subject of an adoption
23 petition could be located.

24 (e) Except as otherwise provided, information contained
25 within the Registry is confidential and shall not be published
26 or open to public inspection.

1 (f) A person who knowingly or intentionally registers false
2 information under this Section commits a Class B misdemeanor. A
3 person who knowingly or intentionally releases confidential
4 information in violation of this Section commits a Class B
5 misdemeanor.

6 (g) Except as provided in subsections (b) or (c) of Section
7 8 of this Act, a putative father who fails to register with the
8 Putative Father Registry as provided in this Section is barred
9 from thereafter bringing or maintaining any action to assert
10 any interest in the child, unless he proves by clear and
11 convincing evidence that:

12 (1) it was not possible for him to register within the
13 period of time specified in subsection (b) of this Section;
14 and

15 (2) his failure to register was through no fault of his
16 own; and

17 (3) he registered within 10 days after it became
18 possible for him to file.

19 A lack of knowledge of the pregnancy or birth is not an
20 acceptable reason for failure to register, unless that lack of
21 knowledge was due to a fraudulent misrepresentation by the
22 birth mother.

23 (h) Except as provided in subsection (b) or (c) of Section
24 8 of this Act, failure to timely register with the Putative
25 Father Registry (i) shall be deemed to be a waiver and
26 surrender of any right to notice of any hearing in any judicial

1 proceeding for the adoption of the child, and the consent or
2 surrender of that person to the adoption of the child is not
3 required, and (ii) shall constitute an abandonment of the child
4 and shall be prima facie evidence of sufficient grounds to
5 support termination of such father's parental rights under this
6 Act. However, a putative father who brought an action to assert
7 an interest in the child, but who did not obtain a ruling from
8 the court that he proved by clear and convincing evidence the 3
9 conditions of subsection (g), has an opportunity to present
10 evidence at a hearing to overcome the prima facie evidence of
11 sufficient grounds to support termination of his father's
12 rights under this Act.

13 (i) In any adoption proceeding pertaining to a child born
14 out of wedlock, if there is no showing that a putative father
15 has executed a consent or surrender or waived his rights
16 regarding the proposed adoption, certification as specified in
17 subsection (d) shall be filed with the court prior to entry of
18 a final judgment order of adoption.

19 (j) The Registry shall not be used to notify a putative
20 father who is the father of a child as a result of criminal
21 sexual abuse or assault as defined under Article 12 of the
22 Criminal Code of 1961.

23 (Source: P.A. 94-1010, eff. 10-1-06.)