



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5062

Introduced 2/7/2012, by Rep. Keith P. Sommer

SYNOPSIS AS INTRODUCED:

750 ILCS 50/7
750 ILCS 50/10

from Ch. 40, par. 1509
from Ch. 40, par. 1512

Amends the Adoption Act. Provides that service of process need not be directed to a minor defendant under 14 years of age for whom a guardian ad litem has been or will be appointed. Changes the form of consent to be given by a child 14 years of age or over or by an adult by adding a statement that the person enters his or her appearance in the proceeding and waives service of summons.

LRB097 18015 AJO 63238 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 Sections
5 7 and 10 as follows:

6 (750 ILCS 50/7) (from Ch. 40, par. 1509)

7 Sec. 7. Process.

8 A. All persons named in the petition for adoption or
9 standby adoption, other than the petitioners and any party who
10 has previously either denied being a parent pursuant to Section
11 12a of this Act or whose rights have been terminated pursuant
12 to Section 12a of this Act, but including the person sought to
13 be adopted, shall be made parties defendant by name, and if the
14 name or names of any such persons are alleged in the petition
15 to be unknown such persons shall be made parties defendant
16 under the name and style of "All whom it may concern". In all
17 such actions petitioner or his attorney shall file, at the
18 office of the clerk of the court in which the action is
19 pending, an affidavit showing that the defendant resides or has
20 gone out of this State, or on due inquiry cannot be found, or
21 is concealed within this State, so that process cannot be
22 served upon him, and stating the place of residence of the
23 defendant, if known, or that upon diligent inquiry his place of

1 residence cannot be ascertained, the clerk shall cause
2 publication to be made in some newspaper published in the
3 county in which the action is pending. If there is no newspaper
4 published in that county, then the publication shall be in a
5 newspaper published in an adjoining county in this State,
6 having a circulation in the county in which such action is
7 pending. In the event there is service on any of the parties by
8 publication, the publication shall contain notice of pendency
9 of the action, the name of the person to be adopted and the
10 name of the parties to be served by publication, and the date
11 on or after which default may be entered against such parties.
12 Neither the name of petitioners nor the name of any party who
13 has either surrendered said child, has given their consent to
14 the adoption of the child, or whose parental rights have been
15 terminated by a court of competent jurisdiction shall be
16 included in the notice of publication. The Clerk shall also,
17 within ten (10) days of the first publication of the notice,
18 send a copy thereof by mail, addressed to each defendant whose
19 place of residence is stated in such affidavit. The certificate
20 of the Clerk that he sent the copies pursuant to this section
21 is evidence that he has done so. Except as provided in this
22 section pertaining to service by publication, all parties
23 defendant shall be notified of the proceedings in the same
24 manner as is now or may hereafter be required in other civil
25 cases or proceedings, except that service of process need not
26 be directed to a minor defendant under 14 years of age for whom

1 a guardian ad litem has been or will be appointed pursuant to
2 paragraph (a) of subsection B of Section 13 of this Act. Any
3 party defendant who is of age of 14 years or upward may waive
4 service of process by entering an appearance in writing. The
5 form to be used for publication shall be substantially as
6 follows: "ADOPTION NOTICE - STATE OF ILLINOIS, County of,
7 ss. - Circuit Court of County. In the matter of the
8 Petition for the Adoption of, a ..male child. Adoption No.
9 To-- (whom it may concern or the named parent) Take
10 notice that a petition was filed in the Circuit Court of
11 County, Illinois, for the adoption of a child named, Now,
12 therefore, unless you, and all whom it may concern, file
13 your answer to the Petition in the action or otherwise file
14 your appearance therein, in the said Circuit Court of,
15 County, Room,, in the City of, Illinois, on or
16 before the day of, a default may be entered against
17 you at any time after that day and a judgment entered in
18 accordance with the prayer of said Petition. Dated,,
19 Illinois,, Clerk. (Name and address of attorney for
20 petitioners.)

21 B. A minor defendant who has been served in accordance with
22 this Section may be defaulted in the same manner as any other
23 defendant.

24 C. Notwithstanding any inconsistent provision of this or
25 any other law, and in addition to the notice requirements of
26 any law pertaining to persons other than those specified in

1 this subsection, the persons entitled to notice that a petition
2 has been filed under Section 5 of this Act shall include:

3 (a) any person adjudicated by a court in this State to
4 be the father of the child;

5 (b) any person adjudicated by a court of another state
6 or territory of the United States to be the father of the
7 child, when a certified copy of the court order has been
8 filed with the Putative Father Registry under Section 12.1
9 of this Act;

10 (c) any person who at the time of the filing of the
11 petition is registered in the Putative Father Registry
12 under Section 12.1 of this Act as the putative father of
13 the child;

14 (d) any person who is recorded on the child's birth
15 certificate as the child's father;

16 (e) any person who is openly living with the child or
17 the child's mother at the time the proceeding is initiated
18 and who is holding himself out to be the child's father;

19 (f) any person who has been identified as the child's
20 father by the mother in a written, sworn statement,
21 including an Affidavit of Identification as specified
22 under Section 11 of this Act;

23 (g) any person who was married to the child's mother on
24 the date of the child's birth or within 300 days prior to
25 the child's birth.

26 The sole purpose of notice under this Section shall be to

1 enable the person receiving notice to appear in the adoption
2 proceedings to present evidence to the court relevant to
3 whether the consent or surrender of the person to the adoption
4 is required pursuant to Section 8 of this Act. If the court
5 determines that the consent or surrender of the person is not
6 required pursuant to Section 8, then the person shall not be
7 entitled to participate in the proceedings or to any further
8 notice of the proceedings.

9 (Source: P.A. 94-530, eff. 1-1-06.)

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

11 Sec. 10. Forms of consent and surrender; execution and
12 acknowledgment thereof.

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

15 FINAL AND IRREVOCABLE CONSENT TO ADOPTION

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

18 That such child was born on at

19 That I reside at, County of and State of

20 That I am of the age of years.

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

23 That I hereby acknowledge that I have been provided with a
24 copy of the Birth Parent Rights and Responsibilities-Private
25 Form before signing this Consent and that I have had time to

1 read, or have had read to me, this Form. I understand that if I
 2 do not receive any of the rights as described in this Form, it
 3 shall not constitute a basis to revoke this Final and
 4 Irrevocable Consent.

5 That I do hereby consent and agree to the adoption of such
 6 child.

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

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

16 Dated (insert date).
 17

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

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

1 of 1987.

2 (2) The form of the Final and Irrevocable Consent to
3 Adoption by a Specified Person or Persons in a non-DCFS case
4 shall have the caption of the proceeding in which it is to be
5 filed and shall be substantially as follows:

6 FINAL AND IRREVOCABLE CONSENT TO ADOPTION BY
7 A SPECIFIED PERSON OR PERSONS; NON-DCFS CASE

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

10 1. That such child was born on, at, City of ...
11 and State of

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

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

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

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

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

1 7. That I wish to and understand that upon signing this
2 consent I do irrevocably and permanently give up all custody
3 and other parental rights I have to such child if such child is
4 adopted by (specified person or persons). I hereby
5 transfer all of my rights to the custody, care and control of
6 such child to (specified person
7 or persons).

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

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

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

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

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

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

26 13. That I have read and understand the above and I am

1 signing it as my free and voluntary act.

2 14. That I acknowledge that this consent is valid even if
3 the specified person or persons separate or divorce or one of
4 the specified persons dies prior to the entry of the final
5 judgment for adoption.

6 Dated (insert date).

7

8 Signature of parent.

9

10 Address of parent.

11

12 Phone number(s) of parent.

13

14 Personal email(s) of parent.

15

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

20 STATE OF)

21) SS.

22 COUNTY OF)

23 I, (Name of Judge or other person),

24 (official title, name, and address),

25 certify that, personally known to me to be the

1 same person whose name is subscribed to the foregoing Final and
2 Irrevocable Consent for Adoption by a Specified Person or
3 Persons; non-DCFS case, appeared before me this day in person
4 and acknowledged that (she)(he) signed and delivered the
5 consent as (her)(his) free and voluntary act, for the specified
6 purpose. I am further satisfied that, before signing this
7 Consent, has read, or has had read to him or her, the
8 Birth Parent Rights and Responsibilities-Private Form.

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

19 Birth Parent Rights and Responsibilities-Private Form

20 As a birth parent in the State of Illinois, you have the
21 right:

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

26 2. To be treated with dignity and respect at all times and

1 to make decisions free from coercion and pressure.

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

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

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

15 6. To see your child before signing a Consent or Specified
16 Consent.

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

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

26 9. To request that your identifying information remain

1 confidential, unless required otherwise by Illinois law or
2 court order, and to register with the Illinois Adoption
3 Registry and Medical Information Exchange.

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

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

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

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

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

18 As a Birth Parent in the State of Illinois, you have the
19 responsibility:

20 1. To carefully consider your reasons for choosing
21 adoption.

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

1 family history information about yourself and your family to
2 your child's prospective adoptive parents or their attorney.

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

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

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

12 CONSENT TO ADOPTION OF UNBORN CHILD

13 I,, state:

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

16 That I reside at County of, and State of

17 That I am of the age of years.

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

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

1 That I do hereby consent and agree to the adoption of such
2 child, and that I have not previously executed a consent or
3 surrender with respect to such child.

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

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

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

17 Dated (insert date).
18

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

1 FINAL AND IRREVOCABLE CONSENT

2 TO STANDBY ADOPTION

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

5 That the child was born on at

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

7 That I am of the age of years.

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

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

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

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

24 I understand my child will be adopted by (specified
25 person or persons) only and that I cannot, under any
26 circumstances, after signing this document, change my mind and

1 revoke or cancel this consent or obtain or recover custody or
2 any other rights over my child if (specified person or
3 persons) adopt my child.

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

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

13 Dated (insert date).
14

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

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

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

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

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

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

22 STATE OF)
 23) SS.
 24 COUNTY OF)

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

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

18 Dated (insert date).

19 Signature

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

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

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

26 The parent shall not need to take further action to revoke

1 the consent if the standby adoption by the specified person or
2 persons does not occur, notwithstanding the provisions of
3 Section 11 of this Act.

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

8 FINAL AND IRREVOCABLE SURRENDER

9 FOR PURPOSES OF ADOPTION

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

12 That such child was born on, at

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

14 That I am of the age of years.

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

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

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

14 Dated (insert date).
15

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

22 FINAL AND IRREVOCABLE DESIGNATED SURRENDER

23 FOR PURPOSES OF ADOPTION

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

- 26 1. That such child was born on, at

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

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

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

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

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

1 contact information I have provided to the Agency. I understand
2 that I will have 10 business days from the date that the Agency
3 sends me its notice to respond, within which time I may choose
4 to designate other adoptive parent(s). However, I acknowledge
5 that the Agency has full power and authority to place the child
6 for adoption with any person or persons it may in its sole
7 discretion select to become the adopting parent or parents and
8 to consent to the legal adoption of the child by such person or
9 persons.

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

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

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

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

26 11. That I have read and understand the above and I am

1 signing it as my free and voluntary act.

2 Dated (insert date).

3

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

8 SURRENDER OF UNBORN CHILD FOR
9 PURPOSES OF ADOPTION

10 I, (father), state:

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

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

14 That I am of the age of years.

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

24 That I hereby grant to the Agency full power and authority
25 to place such child with any person or persons it may in its
26 sole discretion select to become the adopting parent or parents

1 and to consent to the legal adoption of such child by such
 2 person or persons; and to take any and all measures which, in
 3 the judgment of the Agency, may be for the best interests of
 4 such child, including authorizing medical, surgical and dental
 5 care and treatment, including inoculation and anaesthesia for
 6 such child.

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

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

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

18 Dated (insert date).
 19

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

23 CONSENT

24 I,, (father) (mother) of, an adult, state:
 25 That I reside at, County of and State of
 26 That I do hereby consent and agree to the adoption of such

1 adult by and

2 Dated (insert date).

3

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

7 CONSENT

8 I,, state:

9 That I reside at, County of and State of

10 That I am of the age of years. That I hereby enter my
11 appearance in this proceeding and waive service of summons on
12 me. That I consent and agree to my adoption by and

13 Dated (insert date).

14

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

23 H. A consent (other than that given by an agency, or
24 guardian of the person of the child sought to be adopted who
25 was appointed by a court of competent jurisdiction) shall be
26 acknowledged by a parent before a judge of a court of competent

1 jurisdiction or, except as otherwise provided in this Act,
2 before a representative of an agency, or before a person, other
3 than the attorney for the prospective adoptive parent or
4 parents, designated by a court of competent jurisdiction.

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

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

15 STATE OF)

16) SS.

17 COUNTY OF ...)

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

26 I have fully explained that by signing such (consent)

1 (surrender) (she) (he) is irrevocably relinquishing all
 2 parental rights to such child or adult and (she) (he) has
 3 stated that such is (her) (his) intention and desire. (Add if
 4 Consent only) 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 Dated (insert date).

8 Signature

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

14 STATE OF)

15) SS.

16 COUNTY OF ...)

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

24 Dated (insert date).

25 Signature Notary Public

26 (official seal)

1 There shall be attached a certificate of magistracy, or
2 other comparable proof of office of the notary public
3 satisfactory to the court, to a consent signed and acknowledged
4 in another state.

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

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

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

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

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

3 (b) in whose physical custody at least one sibling of
4 the child who is the subject of this consent has resided
5 for at least 6 months, and the child who is the subject of
6 this consent is currently residing in this foster home; or

7 (c) in whose physical custody a child under one year of
8 age has resided for at least 3 months.

9 A consent under this subsection O shall be acknowledged by a
10 parent pursuant to subsection H and subsection K of this
11 Section.

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

15 FINAL AND IRREVOCABLE CONSENT TO ADOPTION BY

16 A SPECIFIED PERSON OR PERSONS: DCFS CASE

17 I,, the
18 (mother or father) of amale child,
19 state:

20 My child (name of child)
21 was born on (insert date) at Hospital
22 in County, State of

23 I reside at, County of
24 and State of

25 I,, am years old.

26 I enter my appearance in this action to adopt my child

1 by the person or persons specified herein by me and waive
2 service of summons on me in this action only.

3 I consent to the adoption of my child by
4 (specified person or
5 persons) only.

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

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

18 I understand that this consent to adoption is valid
19 only if the petition to adopt is filed within one year from
20 the date that I sign it and that if
21 (specified person or persons), for any reason, cannot or
22 will not file a petition to adopt my child within that one
23 year period or if their adoption petition is denied, then
24 this consent will be voidable after one year upon the
25 timely filing of my motion. If I file this motion before
26 the filing of the petition for adoption, I understand that

1 the court shall revoke this specific consent. I have the
 2 right to notice of any other proceeding that could affect
 3 my parental rights, except for the proceeding for
 4 (specified person or persons) to adopt my
 5 child.

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

8 Dated (insert date).

9

10 Signature of parent

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

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

1 free and voluntary act, for the specified purpose.

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

16 Dated (insert date).

17

18 Signature

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

24 (a) the specified person or persons do not file a
25 petition to adopt the child within one year after the
26 consent is signed and the parent files a timely motion to

1 revoke this consent. If this motion is filed before the
2 filing of the petition for adoption the court shall revoke
3 this consent; or

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

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

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

25 (6) The Department of Children and Family Services is
26 authorized to promulgate rules necessary to implement this

1 subsection O.

2 (7) The Department shall collect and maintain data
3 concerning the efficacy of specific consents. This data shall
4 include the number of specific consents executed and their
5 outcomes, including but not limited to the number of children
6 adopted pursuant to the consents, the number of children for
7 whom adoptions are not completed, and the reason or reasons why
8 the adoptions are not completed.

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

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

23 R. An agency whose representative is acknowledging a
24 consent pursuant to this Section shall be a public child
25 welfare agency, or a child welfare agency, or a child placing
26 agency that is authorized or licensed in the State or

1 jurisdiction in which the consent is signed.

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

4 FINAL AND IRREVOCABLE

5 WAIVER OF PARENTAL RIGHTS OF PUTATIVE OR LEGAL FATHER

6 I, , state under oath or affirm as
7 follows:

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

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

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

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

20 5. That I (select one):
21 am married to the biological mother.
22 am not married to the biological mother and
23 have not been married to the biological mother within
24 300 days before the child's birth or expected date of

1 child's birth.

2 am not currently married to the biological
3 mother, but was married to the biological mother,
4 within 300 days before the child's birth or expected
5 date of child's birth.

6 6. That I (select one):

7 neither admit nor deny that I am the
8 biological father of the child.

9 deny that I am the biological father of the
10 child.

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

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

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

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

1 adoption of this child.

2 11. That I understand that if a final judgment or order
3 of adoption for this child is not entered, then any
4 parental rights or responsibilities that I may have remain
5 intact.

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

8 Dated: ,
9

10 Signature

11 OATH

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

18
19 Signature

20 Signed and Sworn before me on
21 this day
22 of, 20....

1
2

Notary Public

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

4 97-493, eff. 8-22-11.)