



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4736

by Rep. Monique D. Davis

SYNOPSIS AS INTRODUCED:

750 ILCS 50/1
750 ILCS 50/8

from Ch. 40, par. 1501
from Ch. 40, par. 1510

Amends the Adoption Act. Where consents are required for the adoption of a minor child, requires the consent of the minor child's relatives in addition to the consents of the minor child's parents. Provides that the court shall deem the consent to be given upon a showing that each relative from who consent must be obtained has either given consent or has failed to file a petition for guardianship of the minor child within 30 days of receiving the written request for consent. Provides that if the mother or father of the minor child objects to the requirement that consent be obtained from the relatives of the minor child, the court may waive the requirement if, after a hearing for which all relatives are provided notice, the court finds that it is not in the best interests of the minor child to require consent from the relatives of the minor child. Makes corresponding changes.

LRB098 17838 HEP 52962 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 1 and 8 as follows:

6 (750 ILCS 50/1) (from Ch. 40, par. 1501)

7 Sec. 1. Definitions. When used in this Act, unless the
8 context otherwise requires:

9 A. "Child" means a person under legal age subject to
10 adoption under this Act.

11 B. "Related child" means a child subject to adoption where
12 either or both of the adopting parents stands in any of the
13 following relationships to the child by blood or marriage:
14 parent, grand-parent, brother, sister, step-parent,
15 step-grandparent, step-brother, step-sister, uncle, aunt,
16 great-uncle, great-aunt, or cousin of first degree. A child
17 whose relatives have ~~parent has~~ executed a final irrevocable
18 consent to adoption or a final irrevocable surrender for
19 purposes of adoption, ~~or whose parent has had his or her~~
20 ~~parental rights terminated,~~ is not a related child to that
21 person, ~~unless the consent is determined to be void or is void~~
22 ~~pursuant to subsection O of Section 10.~~

23 C. "Agency" for the purpose of this Act means a public

1 child welfare agency or a licensed child welfare agency.

2 D. "Unfit person" means any person whom the court shall
3 find to be unfit to have a child, without regard to the
4 likelihood that the child will be placed for adoption. The
5 grounds of unfitness are any one or more of the following,
6 except that a person shall not be considered an unfit person
7 for the sole reason that the person has relinquished a child in
8 accordance with the Abandoned Newborn Infant Protection Act:

9 (a) Abandonment of the child.

10 (a-1) Abandonment of a newborn infant in a hospital.

11 (a-2) Abandonment of a newborn infant in any setting
12 where the evidence suggests that the parent intended to
13 relinquish his or her parental rights.

14 (b) Failure to maintain a reasonable degree of
15 interest, concern or responsibility as to the child's
16 welfare.

17 (c) Desertion of the child for more than 3 months next
18 preceding the commencement of the Adoption proceeding.

19 (d) Substantial neglect of the child if continuous or
20 repeated.

21 (d-1) Substantial neglect, if continuous or repeated,
22 of any child residing in the household which resulted in
23 the death of that child.

24 (e) Extreme or repeated cruelty to the child.

25 (f) There is a rebuttable presumption, which can be
26 overcome only by clear and convincing evidence, that a

1 parent is unfit if:

2 (1) Two or more findings of physical abuse have
3 been entered regarding any children under Section 2-21
4 of the Juvenile Court Act of 1987, the most recent of
5 which was determined by the juvenile court hearing the
6 matter to be supported by clear and convincing
7 evidence; or

8 (2) The parent has been convicted or found not
9 guilty by reason of insanity and the conviction or
10 finding resulted from the death of any child by
11 physical abuse; or

12 (3) There is a finding of physical child abuse
13 resulting from the death of any child under Section
14 2-21 of the Juvenile Court Act of 1987.

15 No conviction or finding of delinquency pursuant
16 to Article V ~~5~~ of the Juvenile Court Act of 1987 shall
17 be considered a criminal conviction for the purpose of
18 applying any presumption under this item (f).

19 (g) Failure to protect the child from conditions within
20 his environment injurious to the child's welfare.

21 (h) Other neglect of, or misconduct toward the child;
22 provided that in making a finding of unfitness the court
23 hearing the adoption proceeding shall not be bound by any
24 previous finding, order or judgment affecting or
25 determining the rights of the parents toward the child
26 sought to be adopted in any other proceeding except such

1 proceedings terminating parental rights as shall be had
2 under either this Act, the Juvenile Court Act or the
3 Juvenile Court Act of 1987.

4 (i) Depravity. Conviction of any one of the following
5 crimes shall create a presumption that a parent is deprived
6 which can be overcome only by clear and convincing
7 evidence: (1) first degree murder in violation of paragraph
8 1 or 2 of subsection (a) of Section 9-1 of the Criminal
9 Code of 1961 or the Criminal Code of 2012 or conviction of
10 second degree murder in violation of subsection (a) of
11 Section 9-2 of the Criminal Code of 1961 or the Criminal
12 Code of 2012 of a parent of the child to be adopted; (2)
13 first degree murder or second degree murder of any child in
14 violation of the Criminal Code of 1961 or the Criminal Code
15 of 2012; (3) attempt or conspiracy to commit first degree
16 murder or second degree murder of any child in violation of
17 the Criminal Code of 1961 or the Criminal Code of 2012; (4)
18 solicitation to commit murder of any child, solicitation to
19 commit murder of any child for hire, or solicitation to
20 commit second degree murder of any child in violation of
21 the Criminal Code of 1961 or the Criminal Code of 2012; (5)
22 predatory criminal sexual assault of a child in violation
23 of Section 11-1.40 or 12-14.1 of the Criminal Code of 1961
24 or the Criminal Code of 2012; (6) heinous battery of any
25 child in violation of the Criminal Code of 1961; or (7)
26 aggravated battery of any child in violation of the

1 Criminal Code of 1961 or the Criminal Code of 2012.

2 There is a rebuttable presumption that a parent is
3 deprived if the parent has been criminally convicted of at
4 least 3 felonies under the laws of this State or any other
5 state, or under federal law, or the criminal laws of any
6 United States territory; and at least one of these
7 convictions took place within 5 years of the filing of the
8 petition or motion seeking termination of parental rights.

9 There is a rebuttable presumption that a parent is
10 deprived if that parent has been criminally convicted of
11 either first or second degree murder of any person as
12 defined in the Criminal Code of 1961 or the Criminal Code
13 of 2012 within 10 years of the filing date of the petition
14 or motion to terminate parental rights.

15 No conviction or finding of delinquency pursuant to
16 Article 5 of the Juvenile Court Act of 1987 shall be
17 considered a criminal conviction for the purpose of
18 applying any presumption under this item (i).

19 (j) Open and notorious adultery or fornication.

20 (j-1) (Blank).

21 (k) Habitual drunkenness or addiction to drugs, other
22 than those prescribed by a physician, for at least one year
23 immediately prior to the commencement of the unfitness
24 proceeding.

25 There is a rebuttable presumption that a parent is
26 unfit under this subsection with respect to any child to

1 which that parent gives birth where there is a confirmed
2 test result that at birth the child's blood, urine, or
3 meconium contained any amount of a controlled substance as
4 defined in subsection (f) of Section 102 of the Illinois
5 Controlled Substances Act or metabolites of such
6 substances, the presence of which in the newborn infant was
7 not the result of medical treatment administered to the
8 mother or the newborn infant; and the biological mother of
9 this child is the biological mother of at least one other
10 child who was adjudicated a neglected minor under
11 subsection (c) of Section 2-3 of the Juvenile Court Act of
12 1987.

13 (l) Failure to demonstrate a reasonable degree of
14 interest, concern or responsibility as to the welfare of a
15 new born child during the first 30 days after its birth.

16 (m) Failure by a parent (i) to make reasonable efforts
17 to correct the conditions that were the basis for the
18 removal of the child from the parent during any 9-month
19 period following the adjudication of neglected or abused
20 minor under Section 2-3 of the Juvenile Court Act of 1987
21 or dependent minor under Section 2-4 of that Act, or (ii)
22 to make reasonable progress toward the return of the child
23 to the parent during any 9-month period following the
24 adjudication of neglected or abused minor under Section 2-3
25 of the Juvenile Court Act of 1987 or dependent minor under
26 Section 2-4 of that Act. If a service plan has been

1 established as required under Section 8.2 of the Abused and
2 Neglected Child Reporting Act to correct the conditions
3 that were the basis for the removal of the child from the
4 parent and if those services were available, then, for
5 purposes of this Act, "failure to make reasonable progress
6 toward the return of the child to the parent" includes the
7 parent's failure to substantially fulfill his or her
8 obligations under the service plan and correct the
9 conditions that brought the child into care during any
10 9-month period following the adjudication under Section
11 2-3 or 2-4 of the Juvenile Court Act of 1987.
12 Notwithstanding any other provision, when a petition or
13 motion seeks to terminate parental rights on the basis of
14 item (ii) of this subsection (m), the petitioner shall file
15 with the court and serve on the parties a pleading that
16 specifies the 9-month period or periods relied on. The
17 pleading shall be filed and served on the parties no later
18 than 3 weeks before the date set by the court for closure
19 of discovery, and the allegations in the pleading shall be
20 treated as incorporated into the petition or motion.
21 Failure of a respondent to file a written denial of the
22 allegations in the pleading shall not be treated as an
23 admission that the allegations are true.

24 (m-1) Pursuant to the Juvenile Court Act of 1987, a
25 child has been in foster care for 15 months out of any 22
26 month period which begins on or after the effective date of

1 this amendatory Act of 1998 unless the child's parent can
2 prove by a preponderance of the evidence that it is more
3 likely than not that it will be in the best interests of
4 the child to be returned to the parent within 6 months of
5 the date on which a petition for termination of parental
6 rights is filed under the Juvenile Court Act of 1987. The
7 15 month time limit is tolled during any period for which
8 there is a court finding that the appointed custodian or
9 guardian failed to make reasonable efforts to reunify the
10 child with his or her family, provided that (i) the finding
11 of no reasonable efforts is made within 60 days of the
12 period when reasonable efforts were not made or (ii) the
13 parent filed a motion requesting a finding of no reasonable
14 efforts within 60 days of the period when reasonable
15 efforts were not made. For purposes of this subdivision
16 (m-1), the date of entering foster care is the earlier of:
17 (i) the date of a judicial finding at an adjudicatory
18 hearing that the child is an abused, neglected, or
19 dependent minor; or (ii) 60 days after the date on which
20 the child is removed from his or her parent, guardian, or
21 legal custodian.

22 (n) Evidence of intent to forgo his or her parental
23 rights, whether or not the child is a ward of the court,
24 (1) as manifested by his or her failure for a period of 12
25 months: (i) to visit the child, (ii) to communicate with
26 the child or agency, although able to do so and not

1 prevented from doing so by an agency or by court order, or
2 (iii) to maintain contact with or plan for the future of
3 the child, although physically able to do so, or (2) as
4 manifested by the father's failure, where he and the mother
5 of the child were unmarried to each other at the time of
6 the child's birth, (i) to commence legal proceedings to
7 establish his paternity under the Illinois Parentage Act of
8 1984 or the law of the jurisdiction of the child's birth
9 within 30 days of being informed, pursuant to Section 12a
10 of this Act, that he is the father or the likely father of
11 the child or, after being so informed where the child is
12 not yet born, within 30 days of the child's birth, or (ii)
13 to make a good faith effort to pay a reasonable amount of
14 the expenses related to the birth of the child and to
15 provide a reasonable amount for the financial support of
16 the child, the court to consider in its determination all
17 relevant circumstances, including the financial condition
18 of both parents; provided that the ground for termination
19 provided in this subparagraph (n)(2)(ii) shall only be
20 available where the petition is brought by the mother or
21 the husband of the mother.

22 Contact or communication by a parent with his or her
23 child that does not demonstrate affection and concern does
24 not constitute reasonable contact and planning under
25 subdivision (n). In the absence of evidence to the
26 contrary, the ability to visit, communicate, maintain

1 contact, pay expenses and plan for the future shall be
2 presumed. The subjective intent of the parent, whether
3 expressed or otherwise, unsupported by evidence of the
4 foregoing parental acts manifesting that intent, shall not
5 preclude a determination that the parent has intended to
6 forgo his or her parental rights. In making this
7 determination, the court may consider but shall not require
8 a showing of diligent efforts by an authorized agency to
9 encourage the parent to perform the acts specified in
10 subdivision (n).

11 It shall be an affirmative defense to any allegation
12 under paragraph (2) of this subsection that the father's
13 failure was due to circumstances beyond his control or to
14 impediments created by the mother or any other person
15 having legal custody. Proof of that fact need only be by a
16 preponderance of the evidence.

17 (o) Repeated or continuous failure by the parents,
18 although physically and financially able, to provide the
19 child with adequate food, clothing, or shelter.

20 (p) Inability to discharge parental responsibilities
21 supported by competent evidence from a psychiatrist,
22 licensed clinical social worker, or clinical psychologist
23 of mental impairment, mental illness or an intellectual
24 disability as defined in Section 1-116 of the Mental Health
25 and Developmental Disabilities Code, or developmental
26 disability as defined in Section 1-106 of that Code, and

1 there is sufficient justification to believe that the
2 inability to discharge parental responsibilities shall
3 extend beyond a reasonable time period. However, this
4 subdivision (p) shall not be construed so as to permit a
5 licensed clinical social worker to conduct any medical
6 diagnosis to determine mental illness or mental
7 impairment.

8 (q) (Blank).

9 (r) The child is in the temporary custody or
10 guardianship of the Department of Children and Family
11 Services, the parent is incarcerated as a result of
12 criminal conviction at the time the petition or motion for
13 termination of parental rights is filed, prior to
14 incarceration the parent had little or no contact with the
15 child or provided little or no support for the child, and
16 the parent's incarceration will prevent the parent from
17 discharging his or her parental responsibilities for the
18 child for a period in excess of 2 years after the filing of
19 the petition or motion for termination of parental rights.

20 (s) The child is in the temporary custody or
21 guardianship of the Department of Children and Family
22 Services, the parent is incarcerated at the time the
23 petition or motion for termination of parental rights is
24 filed, the parent has been repeatedly incarcerated as a
25 result of criminal convictions, and the parent's repeated
26 incarceration has prevented the parent from discharging

1 his or her parental responsibilities for the child.

2 (t) A finding that at birth the child's blood, urine,
3 or meconium contained any amount of a controlled substance
4 as defined in subsection (f) of Section 102 of the Illinois
5 Controlled Substances Act, or a metabolite of a controlled
6 substance, with the exception of controlled substances or
7 metabolites of such substances, the presence of which in
8 the newborn infant was the result of medical treatment
9 administered to the mother or the newborn infant, and that
10 the biological mother of this child is the biological
11 mother of at least one other child who was adjudicated a
12 neglected minor under subsection (c) of Section 2-3 of the
13 Juvenile Court Act of 1987, after which the biological
14 mother had the opportunity to enroll in and participate in
15 a clinically appropriate substance abuse counseling,
16 treatment, and rehabilitation program.

17 E. "Parent" means the father or mother of a lawful child of
18 the parties or child born out of wedlock. For the purpose of
19 this Act, a person who has executed a final and irrevocable
20 consent to adoption or a final and irrevocable surrender for
21 purposes of adoption, or whose parental rights have been
22 terminated by a court, is not a parent of the child who was the
23 subject of the consent or surrender, unless the consent is void
24 pursuant to subsection O of Section 10.

25 F. A person is available for adoption when the person is:

26 (a) a child who has been surrendered for adoption to an

1 agency and to whose adoption the agency has thereafter
2 consented;

3 (b) a child to whose adoption a person authorized by
4 law, other than his parents, has consented, or to whose
5 adoption no consent is required pursuant to Section 8 of
6 this Act;

7 (c) a child who is in the custody of persons who intend
8 to adopt him through placement made by his parents;

9 (c-1) a child for whom a parent has signed a specific
10 consent pursuant to subsection O of Section 10;

11 (d) an adult who meets the conditions set forth in
12 Section 3 of this Act; or

13 (e) a child who has been relinquished as defined in
14 Section 10 of the Abandoned Newborn Infant Protection Act.

15 A person who would otherwise be available for adoption
16 shall not be deemed unavailable for adoption solely by reason
17 of his or her death.

18 G. The singular includes the plural and the plural includes
19 the singular and the "male" includes the "female", as the
20 context of this Act may require.

21 H. "Adoption disruption" occurs when an adoptive placement
22 does not prove successful and it becomes necessary for the
23 child to be removed from placement before the adoption is
24 finalized.

25 I. "Habitual residence" has the meaning ascribed to it in
26 the federal Intercountry Adoption Act of 2000 and regulations

1 promulgated thereunder.

2 J. "Immediate relatives" means the biological parents, the
3 parents of the biological parents and siblings of the
4 biological parents.

5 K. "Intercountry adoption" is a process by which a child
6 from a country other than the United States is adopted by
7 persons who are habitual residents of the United States, or the
8 child is a habitual resident of the United States who is
9 adopted by persons who are habitual residents of a country
10 other than the United States.

11 L. "Intercountry Adoption Coordinator" means a staff
12 person of the Department of Children and Family Services
13 appointed by the Director to coordinate the provision of
14 services related to an intercountry adoption.

15 M. "Interstate Compact on the Placement of Children" is a
16 law enacted by all states and certain territories for the
17 purpose of establishing uniform procedures for handling the
18 interstate placement of children in foster homes, adoptive
19 homes, or other child care facilities.

20 N. (Blank).

21 O. "Preadoption requirements" means any conditions or
22 standards established by the laws or administrative rules of
23 this State that must be met by a prospective adoptive parent
24 prior to the placement of a child in an adoptive home.

25 P. "Abused child" means a child whose parent or immediate
26 family member, or any person responsible for the child's

1 welfare, or any individual residing in the same home as the
2 child, or a paramour of the child's parent:

3 (a) inflicts, causes to be inflicted, or allows to be
4 inflicted upon the child physical injury, by other than
5 accidental means, that causes death, disfigurement,
6 impairment of physical or emotional health, or loss or
7 impairment of any bodily function;

8 (b) creates a substantial risk of physical injury to
9 the child by other than accidental means which would be
10 likely to cause death, disfigurement, impairment of
11 physical or emotional health, or loss or impairment of any
12 bodily function;

13 (c) commits or allows to be committed any sex offense
14 against the child, as sex offenses are defined in the
15 Criminal Code of 2012 and extending those definitions of
16 sex offenses to include children under 18 years of age;

17 (d) commits or allows to be committed an act or acts of
18 torture upon the child; or

19 (e) inflicts excessive corporal punishment.

20 Q. "Neglected child" means any child whose parent or other
21 person responsible for the child's welfare withholds or denies
22 nourishment or medically indicated treatment including food or
23 care denied solely on the basis of the present or anticipated
24 mental or physical impairment as determined by a physician
25 acting alone or in consultation with other physicians or
26 otherwise does not provide the proper or necessary support,

1 education as required by law, or medical or other remedial care
2 recognized under State law as necessary for a child's
3 well-being, or other care necessary for his or her well-being,
4 including adequate food, clothing and shelter; or who is
5 abandoned by his or her parents or other person responsible for
6 the child's welfare.

7 A child shall not be considered neglected or abused for the
8 sole reason that the child's parent or other person responsible
9 for his or her welfare depends upon spiritual means through
10 prayer alone for the treatment or cure of disease or remedial
11 care as provided under Section 4 of the Abused and Neglected
12 Child Reporting Act. A child shall not be considered neglected
13 or abused for the sole reason that the child's parent or other
14 person responsible for the child's welfare failed to vaccinate,
15 delayed vaccination, or refused vaccination for the child due
16 to a waiver on religious or medical grounds as permitted by
17 law.

18 R. "Putative father" means a man who may be a child's
19 father, but who (1) is not married to the child's mother on or
20 before the date that the child was or is to be born and (2) has
21 not established paternity of the child in a court proceeding
22 before the filing of a petition for the adoption of the child.
23 The term includes a male who is less than 18 years of age.
24 "Putative father" does not mean a man who is the child's father
25 as a result of criminal sexual abuse or assault as defined
26 under Article 11 of the Criminal Code of 2012.

1 Sec. 8. Consents to adoption and surrenders for purposes of
2 adoption.

3 (a) Except as hereinafter provided in this Section consents
4 or surrenders shall be required in all cases, unless the person
5 whose consent or surrender would otherwise be required shall be
6 found by the court:

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

9 (2) not to be the biological or adoptive father of the
10 child; or

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

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

16 (5) to be the father of the child as a result of
17 criminal sexual abuse or assault as defined under Article
18 11 of the Criminal Code of 2012; or

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

20 (i) is a family member of the mother of the child,
21 and the mother is under the age of 18 at the time of
22 the child's conception; for purposes of this
23 subsection, a "family member" is a parent,
24 step-parent, grandparent, step-grandparent, sibling,
25 or cousin of the first degree, whether by whole blood,
26 half-blood, or adoption, as well as a person age 18 or

1 over at the time of the child's conception who has
2 resided in the household with the mother continuously
3 for at least one year; or

4 (ii) is at least 5 years older than the child's
5 mother, and the mother was under the age of 17 at the
6 time of the child's conception, unless the mother and
7 father voluntarily acknowledge the father's paternity
8 of the child by marrying or by establishing the
9 father's paternity by consent of the parties pursuant
10 to the Illinois Parentage Act of 1984 or pursuant to a
11 substantially similar statute in another state.

12 A criminal conviction of any offense pursuant to
13 Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
14 11-1.70, 12C-5, 12C-10, 12C-35, 12C-40, 12C-45, 18-6,
15 19-6, or Article 12 of the Criminal Code of 1961 or the
16 Criminal Code of 2012 is not required.

17 (b) Where consents are required in the case of an adoption
18 of a minor child, the consents of the following persons shall
19 be sufficient:

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

21 (A-5) Except as provided in subsection (f) of this
22 Section, any of the following individuals related to
23 the minor child through the minor child's mother:
24 grand-parent, adult brother, adult sister,
25 step-parent, step-grandparent, step-brother,
26 step-sister, uncle, aunt, great-uncle, great-aunt, or

1 cousin of first degree; and

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

3 (i) was married to the mother on the date of
4 birth of the child or within 300 days before the
5 birth of the child, except for a husband or former
6 husband who has been found by a court of competent
7 jurisdiction not to be the biological father of the
8 child; or

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

14 (iii) in the case of a child placed with the
15 adopting parents less than 6 months after birth,
16 openly lived with the child, the child's
17 biological mother, or both, and held himself out to
18 be the child's biological father during the first
19 30 days following the birth of the child; or

20 (iv) in the case of a child placed with the
21 adopting parents less than 6 months after birth,
22 made a good faith effort to pay a reasonable amount
23 of the expenses related to the birth of the child
24 and to provide a reasonable amount for the
25 financial support of the child before the
26 expiration of 30 days following the birth of the

1 child, provided that the court may consider in its
2 determination all relevant circumstances,
3 including the financial condition of both
4 biological parents; or

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

9 (I) the payment by the father toward the support of
10 the child of a fair and reasonable sum, according
11 to the father's means, and either (II) the father's
12 visiting the child at least monthly when
13 physically and financially able to do so and not
14 prevented from doing so by the person or authorized
15 agency having lawful custody of the child, or (III)
16 the father's regular communication with the child
17 or with the person or agency having the care or
18 custody of the child, when physically and
19 financially unable to visit the child or prevented
20 from doing so by the person or authorized agency
21 having lawful custody of the child. The subjective
22 intent of the father, whether expressed or
23 otherwise unsupported by evidence of acts
24 specified in this sub-paragraph as manifesting
25 such intent, shall not preclude a determination
26 that the father failed to maintain substantial and

1 continuous or repeated contact with the child; or

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

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

16 (B-5) Except as provided in subsection (f) of this
17 Section, any of the following individuals related to
18 the minor child through the minor child's father if the
19 consent of the father is required under subdivision
20 (1)(B) of this subsection (b): grand-parent, adult
21 brother, adult sister, step-parent, step-grandparent,
22 step-brother, step-sister, uncle, aunt, great-uncle,
23 great-aunt, or cousin of first degree; or

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

26 (3) An agency, if the child has been surrendered for

1 adoption to such agency; or

2 (4) Any person or agency having legal custody of a
3 child by court order if the parental rights of the parents
4 have been judicially terminated, and the court having
5 jurisdiction of the guardianship of the child has
6 authorized the consent to the adoption; or

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

11 (c) Where surrenders to an agency are required in the case
12 of a placement for adoption of a minor child by an agency, the
13 surrenders of the following persons shall 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 the
21 child; or

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

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

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

18 (v) in the case of a child placed with the
19 adopting parents more than six months after birth,
20 has maintained substantial and continuous or
21 repeated contact with the child as manifested by:
22 (I) the payment by the father toward the support of
23 the child of a fair and reasonable sum, according
24 to the father's means, and either (II) the father's
25 visiting the child at least monthly when
26 physically and financially able to do so and not

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

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

22 (vii) has timely registered with the Putative
23 Father Registry, as provided in Section 12.1 of
24 this Act, and prior to the expiration of 30 days
25 from the date of such registration, commenced
26 legal proceedings to establish paternity under the

1 Illinois Parentage Act of 1984, or under the law of
2 the jurisdiction of the child's birth .

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

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

9 (f) The court shall deem the consent under subdivisions
10 (b)(1)(A-5) and (b)(1)(B-5) of this Section to be given upon a
11 showing that:

12 (1) each relative from who consent must be obtained has
13 been provided with a written request for consent; and

14 (2) each relative has either:

15 (A) provided consent to the adoption; or

16 (B) has failed to file a petition for guardianship
17 of the minor child within 30 days of receiving the
18 written request for consent.

19 If the mother or father of the minor child objects to the
20 requirement that consent be obtained from the relatives of the
21 minor child identified in subdivisions (b)(1)(A-5) and
22 (b)(1)(B-5) of this Section, the court may waive the
23 requirement that consent be obtained from the relatives of the
24 minor child if, after a hearing for which all relatives are
25 provided notice, the court finds that it is not in the best
26 interests of the minor child to require consent from the

1 relatives of the minor child.

2 (Source: P.A. 97-493, eff. 8-22-11; 97-1150, eff. 1-25-13.)