



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB2198

Introduced 12/4/2015, by Sen. Michael Noland

#### SYNOPSIS AS INTRODUCED:

225 ILCS 10/12

from Ch. 23, par. 2222

225 ILCS 10/12.5 new

Amends the Child Care Act of 1969. In the Section concerning advertisement of adoption services, provides that "advertise" includes communication by any computerized communication system, including by electronic mail, Internet site, Internet account, or any similar medium of communication provided via the Internet. Provides that "Internet account" means an account created within a bounded system established by an Internet-based service that requires a user to input or store access information in an electronic device in order to view, create, use, or edit the user's account information, profile, display, communications, or stored data. Provides that any person who sends a child out of this State, brings a child into this State, or causes a child to be sent out of this State or brought into this State for the purpose of permanently transferring physical custody of the child to a person who is not related to the child is guilty of a Class A misdemeanor. Provides exceptions for placements in accordance with court order or that are authorized under the Act or the Juvenile Court Act of 1987, the Adoption Act, the Interstate Compact on the Placement of Children, or the Intercountry Adoption Act of 2000.

LRB099 15082 HEP 39292 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Child Care Act of 1969 is amended by  
5 changing Section 12 and adding Section 12.5 as follows:

6 (225 ILCS 10/12) (from Ch. 23, par. 2222)

7 Sec. 12. Advertisements.

8 (a) In this Section: ~~Section,~~

9 "Advertise" "advertise" means communication: (i) by  
10 any public medium originating or distributed in this State,  
11 including, but not limited to, newspapers, periodicals,  
12 telephone book listings, outdoor advertising signs, radio,  
13 or television; or (ii) by any computerized communication  
14 system, including by electronic mail, Internet site,  
15 Internet account, or any similar medium of communication  
16 provided via the Internet.

17 "Internet account" means an account created within a  
18 bounded system established by an Internet-based service  
19 that requires a user to input or store access information  
20 in an electronic device in order to view, create, use, or  
21 edit the user's account information, profile, display,  
22 communications, or stored data.

23 (b) A child care facility or child welfare agency licensed

1 or operating under a permit issued by the Department may  
2 publish advertisements for the services that the facility is  
3 specifically licensed or issued a permit under this Act to  
4 provide. A person, group of persons, agency, association,  
5 organization, corporation, institution, center, or group who  
6 advertises or causes to be published any advertisement  
7 offering, soliciting, or promising to perform adoption  
8 services as defined in Section 2.24 of this Act is guilty of a  
9 Class A misdemeanor and shall be subject to a fine not to  
10 exceed \$10,000 or 9 months imprisonment for each advertisement,  
11 unless that person, group of persons, agency, association,  
12 organization, corporation, institution, center, or group is  
13 (i) licensed or operating under a permit issued by the  
14 Department as a child care facility or child welfare agency,  
15 (ii) a biological parent or a prospective adoptive parent  
16 acting on his or her own behalf, or (iii) a licensed attorney  
17 advertising his or her availability to provide legal services  
18 relating to adoption, as permitted by law.

19 (c) Every advertisement published after the effective date  
20 of this amendatory Act of the 94th General Assembly shall  
21 include the Department-issued license number of the facility or  
22 agency.

23 (d) Any licensed child welfare agency providing adoption  
24 services that, after the effective date of this amendatory Act  
25 of the 94th General Assembly, causes to be published an  
26 advertisement containing reckless or intentional

1 misrepresentations concerning adoption services or  
2 circumstances material to the placement of a child for adoption  
3 is guilty of a Class A misdemeanor and is subject to a fine not  
4 to exceed \$10,000 or 9 months imprisonment for each  
5 advertisement.

6 (e) An out-of-state agency that is not licensed in Illinois  
7 and that has a written interagency agreement with one or more  
8 Illinois licensed child welfare agencies may advertise under  
9 this Section, provided that (i) the out-of-state agency must be  
10 officially recognized by the United States Internal Revenue  
11 Service as a tax-exempt organization under 501(c)(3) of the  
12 Internal Revenue Code of 1986 (or any successor provision of  
13 federal tax law), (ii) the out-of-state agency provides only  
14 international adoption services and is covered by the  
15 Intercountry Adoption Act of 2000, (iii) the out-of-state  
16 agency displays, in the advertisement, the license number of at  
17 least one of the Illinois licensed child welfare agencies with  
18 which it has a written agreement, and (iv) the advertisements  
19 pertain only to international adoption services. Subsection  
20 (d) of this Section shall apply to any out-of-state agencies  
21 described in this subsection (e).

22 (f) An advertiser, publisher, or broadcaster, including,  
23 but not limited to, newspapers, periodicals, telephone book  
24 publishers, outdoor advertising signs, radio stations, or  
25 television stations, who knowingly or recklessly advertises or  
26 publishes any advertisement offering, soliciting, or promising

1 to perform adoption services, as defined in Section 2.24 of  
2 this Act, on behalf of a person, group of persons, agency,  
3 association, organization, corporation, institution, center,  
4 or group, not authorized to advertise under subsection (b) or  
5 subsection (e) of this Section, is guilty of a Class A  
6 misdemeanor and is subject to a fine not to exceed \$10,000 or 9  
7 months imprisonment for each advertisement.

8 (g) The Department shall maintain a website listing child  
9 welfare agencies licensed by the Department that provide  
10 adoption services and other general information for biological  
11 parents and adoptive parents. The website shall include, but  
12 not be limited to, agency addresses, phone numbers, e-mail  
13 addresses, website addresses, annual reports as referenced in  
14 Section 7.6 of this Act, agency license numbers, the Birth  
15 Parent Bill of Rights, the Adoptive Parents Bill of Rights, and  
16 the Department's complaint registry established under Section  
17 9.1a of this Act. The Department shall adopt any rules  
18 necessary to implement this Section.

19 (Source: P.A. 94-586, eff. 8-15-05.)

20 (225 ILCS 10/12.5 new)

21 Sec. 12.5. Unregulated placement with a non-relative.

22 (a) Any person who sends a child out of this State, brings  
23 a child into this State, or causes a child to be sent out of  
24 this State or brought into this State for the purpose of  
25 permanently transferring physical custody of the child to a

1 person who is not related, as defined in Section 2.04 of this  
2 Act, to the child is guilty of a Class A misdemeanor.

3 (b) This Section does not apply to the following:

4 (1) a placement of a child that is authorized under  
5 this Act, the Juvenile Court Act of 1987, the Adoption Act,  
6 the Interstate Compact on the Placement of Children, or the  
7 Intercountry Adoption Act of 2000.

8 (2) a placement of a child that is approved by a court  
9 of competent jurisdiction of the sending state or receiving  
10 state.