

AN ACT concerning civil law.

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

Section 5. The Adoption Act is amended by changing Section 4.1 as follows:

(750 ILCS 50/4.1) (from Ch. 40, par. 1506)

Sec. 4.1. Adoption between multiple jurisdictions. It is the public policy of this State to promote child welfare in adoption between multiple jurisdictions by implementing standards that foster permanency for children in an expeditious manner while considering the best interests of the child as paramount. Ensuring that standards for interjurisdictional adoption are clear and applied consistently, efficiently, and reasonably will promote the best interests of the child in finding a permanent home.

(a) The Department of Children and Family Services shall promulgate rules regarding the approval and regulation of agencies providing, in this State, adoption services, as defined in Section 2.24 of the Child Care Act of 1969, which shall include, but not be limited to, a requirement that any agency shall be licensed in this State as a child welfare agency as defined in Section 2.08 of the Child Care Act of 1969. Any out-of-state agency, if not licensed in this State as

a child welfare agency, must obtain the approval of the Department in order to act as a sending agency, as defined in Section 1 of the Interstate Compact on Placement of Children Act, seeking to place a child into this State through a placement subject to the Interstate Compact on the Placement of Children. An out-of-state agency, if not licensed in this State as a child welfare agency, is prohibited from providing in this State adoption services, as defined by Section 2.24 of the Child Care Act of 1969; shall comply with Section 12C-70 of the Criminal Code of 2012; and shall provide all of the following to the Department:

(1) A copy of the agency's current license or other form of authorization from the approving authority in the agency's state. If no license or authorization is issued, the agency must provide a reference statement, from the approving authority, stating that the agency is authorized to place children in foster care or adoption or both in its jurisdiction.

(2) A description of the program, including home studies, placements, and supervisions, that the child placing agency conducts within its geographical area, and, if applicable, adoptive placements and the finalization of adoptions. The child placing agency must accept continued responsibility for placement planning and replacement if the placement fails.

(3) Notification to the Department of any significant

child placing agency changes after approval.

(4) Any other information the Department may require.

The rules shall also provide that any agency that places children for adoption in this State may not, in any policy or practice relating to the placement of children for adoption, discriminate against any child or prospective adoptive parent on the basis of race.

(a-5) (Blank).

(b) Interstate adoptions.

(1) All interstate adoption placements under this Act shall comply with the Child Care Act of 1969 and the Interstate Compact on the Placement of Children. The placement of children with relatives by the Department of Children and Family Services shall also comply with subsection (b) of Section 7 of the Children and Family Services Act. The Department may promulgate rules to implement interstate adoption placements, including those requirements set forth in this Section.

(2) If an adoption is finalized prior to bringing or sending a child to this State, compliance with the Interstate Compact on the Placement of Children is not required.

(3) Approval requirements. The Department shall promulgate procedures for interstate adoption placements of children under this Act. No later than 30 days after the effective date of this amendatory Act of the 100th General

Assembly, the Department shall distribute a written list of all pre-adoption approval requirements to all Illinois licensed child welfare agencies performing adoption services, and all out-of-state agencies approved under this Section, and shall post the requirements on the Department's website. The Department may not require any further pre-adoption requirements other than those set forth in the procedures required under this paragraph. The procedures shall reflect the standard of review as stated in the Interstate Compact on the Placement of Children and approval shall be given by the Department if the placement appears not to be contrary to the best interests of the child.

(4) Time for review and decision. In all cases where the child to be placed is not a youth in care in Illinois or any other state, a provisional or final approval for placement shall be provided in writing from the Department in accordance with the Interstate Compact on the Placement of Children. Approval or denial of the placement must be given by the Department as soon as practicable, but in no event more than 3 business days of the receipt of the completed referral packet by the Department's Interstate Compact Administrator. Receipt of the packet shall be evidenced by the packet's arrival at the address designated by the Department to receive such referrals. The written decision to approve or deny the placement shall be

communicated in an expeditious manner, including, but not limited to, electronic means referenced in paragraph (b)(7) of this Section, and shall be provided to all Illinois licensed child welfare agencies involved in the placement, all out-of-state child placing agencies involved in the placement, and all attorneys representing the prospective adoptive parent or biological parent. If, during its initial review of the packet, the Department believes there are any incomplete or missing documents, or missing information, as required in paragraph (b)(3), the Department shall, as soon as practicable, but in no event more than 2 business days of receipt of the packet, communicate a list of any incomplete or missing documents and information to all Illinois licensed child welfare agencies involved in the placement, all out-of-state child placing agencies involved in the placement, and all attorneys representing the adoptive parent or biological parent. This list shall be communicated in an expeditious manner, including, but not limited to, electronic means referenced in paragraph (b)(7) of this Section.

(5) Denial of approval. In all cases where the child to be placed is not a youth in the care of any state, if the Department denies approval of an interstate placement, the written decision referenced in paragraph (b)(4) of this Section shall set forth the reason or reasons why the placement was not approved and shall reference which

requirements under paragraph (b)(3) of this Section were not met. The written decision shall be communicated in an expeditious manner, including, but not limited to, electronic means referenced in paragraph (b)(7) of this Section, to all Illinois licensed child welfare agencies involved in the placement, all out-of-state child placing agencies involved in the placement, and all attorneys representing the prospective adoptive parent or biological parent.

(6) Provisional approval. Nothing in paragraphs (b)(3) through (b)(5) of this Section shall preclude the Department from issuing provisional approval of the placement pending receipt of any missing or incomplete documents or information.

(7) Electronic communication. All communications concerning an interstate placement made between the Department and an Illinois licensed child welfare agency, an out-of-state child placing agency, and attorneys representing the prospective adoptive parent or biological parent, including the written communications referenced in this Section, may be made through any type of electronic means, including, but not limited to, electronic mail.

(c) Intercountry adoptions. The adoption of a child, if the child is a habitual resident of a country other than the United States and the petitioner is a habitual resident of the United States, or, if the child is a habitual resident of the United

States and the petitioner is a habitual resident of a country other than the United States, shall comply with the Intercountry Adoption Act of 2000, as amended, and the Immigration and Nationality Act, as amended. In the case of an intercountry adoption that requires oversight by the adoption services governed by the Intercountry Adoption Universal Accreditation Act of 2012, this State shall not impose any additional preadoption requirements.

(d) (Blank).

(e) Re-adoption after an intercountry adoption.

(1) Any time after a minor child has been adopted in a foreign country and has immigrated to the United States, the adoptive parent or parents of the child may petition the court for a judgment of adoption to re-adopt the child and confirm the foreign adoption decree.

(2) The petitioner must submit to the court one or more of the following to verify the foreign adoption:

(i) an immigrant visa for the child issued by United States Citizenship and Immigration Services of the U.S. Department of Homeland Security that was valid at the time of the child's immigration;

(ii) a decree, judgment, certificate of adoption, adoption registration, or equivalent court order, entered or issued by a court of competent jurisdiction or administrative body outside the United States, establishing the relationship of parent and child by

adoption; or

(iii) such other evidence deemed satisfactory by the court.

(3) The child's immigrant visa shall be prima facie proof that the adoption was established in accordance with the laws of the foreign jurisdiction and met United States requirements for immigration.

(4) If the petitioner submits documentation that satisfies the requirements of paragraph (2), the court shall not appoint a guardian ad litem for the minor who is the subject of the proceeding, shall not require any further termination of parental rights of the child's biological parents, nor shall it require any home study, investigation, post-placement visit, or background check of the petitioner.

(5) The petition may include a request for change of the child's name and any other request for specific relief that is in the best interests of the child. The relief may include a request for a revised birth date for the child if supported by evidence from a medical or dental professional attesting to the appropriate age of the child or other collateral evidence.

(6) Two adoptive parents who adopted a minor child together in a foreign country while married to one another may file a petition for adoption to re-adopt the child jointly, regardless of whether their marriage has been

dissolved. If either parent whose marriage was dissolved has subsequently remarried or entered into a civil union with another person, the new spouse or civil union partner shall not join in the petition to re-adopt the child, unless the new spouse or civil union partner is seeking to adopt the child. If either adoptive parent does not join in the petition, he or she must be joined as a party defendant. The defendant parent's failure to participate in the re-adoption proceeding shall not affect the existing parental rights or obligations of the parent as they relate to the minor child, and the parent's name shall be placed on any subsequent birth record issued for the child as a result of the re-adoption proceeding.

(7) An adoptive parent who adopted a minor child in a foreign country as an unmarried person may file a petition for adoption to re-adopt the child as a sole petitioner, even if the adoptive parent has subsequently married or entered into a civil union.

(8) If one of the adoptive parents who adopted a minor child dies prior to a re-adoption proceeding, the deceased parent's name shall be placed on any subsequent birth record issued for the child as a result of the re-adoption proceeding.

(Source: P.A. 98-455, eff. 1-1-14; 99-49, eff. 7-15-15.)

Section 99. Effective date. This Act takes effect upon becoming law.