

AN ACT concerning children.

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

Section 10. The Abandoned Newborn Infant Protection Act is amended by changing Sections 5, 10, 20, 22, 35, 37, 40, 45, 50, 55, 60, and 65 as follows:

(325 ILCS 2/5)

Sec. 5. Public policy. Illinois recognizes that newborn infants have been abandoned to the environment or to other circumstances that may be unsafe to the newborn infant. These circumstances have caused injury and death to newborn infants and give rise to potential civil or criminal liability to parents who may be under severe emotional distress. It is recognized that establishing an adoption plan is preferable to relinquishing a child using the procedures outlined in this Act, but to reduce the chance of injury to a newborn infant, this Act provides a safer alternative. This Act is intended to provide a mechanism for a newborn infant to be relinquished to a safe environment and for the parents of the infant to remain anonymous if they choose and to avoid civil or criminal liability for the act of relinquishing the infant. ~~It is recognized that establishing an adoption plan is preferable to relinquishing a child using the procedures outlined in this~~

~~Act, but to reduce the chance of injury to a newborn infant, this Act provides a safer alternative.~~

A public information campaign on this delicate issue shall be implemented to encourage parents considering abandonment of their newborn child to relinquish the child under the procedures outlined in this Act, to choose a traditional adoption plan, or to parent a child themselves rather than place the newborn infant in harm's way.

(Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01.)

(325 ILCS 2/10)

Sec. 10. Definitions. In this Act:

"Abandon" has the same meaning as in the Abused and Neglected Child Reporting Act.

"Abused child" has the same meaning as in the Abused and Neglected Child Reporting Act.

"Child welfare Child-placing agency" means an Illinois a licensed public or private agency that receives a child for the purpose of placing or arranging for the placement of the child in a foster or pre-adoptive family home or other facility for child care, apart from the custody of the child's parents.

"Department" or "DCFS" means the Illinois Department of Children and Family Services.

"Emergency medical facility" means a freestanding emergency center or trauma center, as defined in the Emergency

Medical Services (EMS) Systems Act.

"Emergency medical professional" includes licensed physicians, and any emergency medical technician, emergency medical technician-intermediate, advanced emergency medical technician, paramedic, trauma nurse specialist, and pre-hospital registered nurse, as defined in the Emergency Medical Services (EMS) Systems Act.

"Fire station" means a fire station within the State with at least one staff person.

"Hospital" has the same meaning as in the Hospital Licensing Act.

"Legal custody" means the relationship created by a court order in the best interest of a newborn infant that imposes on the infant's custodian the responsibility of physical possession of the infant, the duty to protect, train, and discipline the infant, and the duty to provide the infant with food, shelter, education, and medical care, except as these are limited by parental rights and responsibilities.

"Neglected child" has the same meaning as in the Abused and Neglected Child Reporting Act.

"Newborn infant" means a child who a licensed physician reasonably believes is 30 days old or less at the time the child is initially relinquished to a hospital, police station, fire station, or emergency medical facility, and who is not an abused or a neglected child.

"Parent" or "biological parent" or "birth parent" means a

person who has established maternity or paternity of the newborn infant through genetic testing.

"Police station" means a municipal police station, a county sheriff's office, a campus police department located on any college or university owned or controlled by the State or any private college or private university that is not owned or controlled by the State when employees of the campus police department are present, or any of the district headquarters of the Illinois State Police.

"Relinquish" means to bring a newborn infant, who a licensed physician reasonably believes is 30 days old or less, to a hospital, police station, fire station, or emergency medical facility and to leave the infant with personnel of the facility, if the person leaving the infant does not express an intent to return for the infant or states that he or she will not return for the infant. In the case of a mother who gives birth to an infant in a hospital, the mother's act of leaving that newborn infant at the hospital (i) without expressing an intent to return for the infant or (ii) stating that she will not return for the infant is not a "relinquishment" under this Act.

"Temporary protective custody" means the temporary placement of a newborn infant within a hospital or other medical facility out of the custody of the infant's parent.

(Source: P.A. 97-293, eff. 8-11-11; 98-973, eff. 8-15-14.)

(325 ILCS 2/20)

Sec. 20. Procedures with respect to relinquished newborn infants.

(a) Hospitals. Every hospital must accept and provide all necessary emergency services and care to a relinquished newborn infant, in accordance with this Act. The hospital shall examine a relinquished newborn infant and perform tests that, based on reasonable medical judgment, are appropriate in evaluating whether the relinquished newborn infant was abused or neglected.

The act of relinquishing a newborn infant serves as implied consent for the hospital and its medical personnel and physicians on staff to treat and provide care for the infant.

The hospital shall be deemed to have temporary protective custody of a relinquished newborn infant until the infant is discharged to the custody of a child welfare ~~child placing~~ agency or the Department. The hospital shall provide all available medical records and information to the Department and the child welfare agency that has accepted the referral of the infant in accordance with Section 50.

(b) Fire stations and emergency medical facilities. Every fire station and emergency medical facility must accept and provide all necessary emergency services and care to a relinquished newborn infant, in accordance with this Act.

The act of relinquishing a newborn infant serves as implied consent for the fire station or emergency medical

facility and its emergency medical professionals to treat and provide care for the infant, to the extent that those emergency medical professionals are trained to provide those services.

After the relinquishment of a newborn infant to a fire station or emergency medical facility, the fire station or emergency medical facility's personnel must arrange for the transportation of the infant to the nearest hospital as soon as transportation can be arranged.

If the person who relinquished or a person claiming to be the parent of a newborn infant returns to reclaim the infant child within 30 days ~~72 hours~~ after the infant was relinquished ~~relinquishing the child~~ to a fire station or emergency medical facility, the fire station or emergency medical facility must inform such person ~~the parent~~ of the name and location of the hospital to which the infant was transported.

(c) Police stations. Every police station must accept a relinquished newborn infant, in accordance with this Act. After the relinquishment of a newborn infant to a police station, the police station must arrange for the transportation of the infant to the nearest hospital as soon as transportation can be arranged. The act of relinquishing a newborn infant serves as implied consent for the hospital to which the infant is transported and that hospital's medical personnel and physicians on staff to treat and provide care

for the infant.

If the person who relinquished or a person claiming to be the parent of a newborn infant returns to reclaim the infant within 30 days ~~72 hours~~ after the infant was relinquished ~~relinquishing the infant~~ to a police station, the police station must inform such person ~~the parent~~ of the name and location of the hospital to which the infant was transported. (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01; 93-820, eff. 7-27-04.)

(325 ILCS 2/22)

Sec. 22. Signage ~~Signs~~. Every hospital, fire station, emergency medical facility, and police station that is required to accept a relinquished newborn infant in accordance with this Act must post, either by physical or electronic means, a sign in a conspicuous place on the exterior of the building housing the facility informing persons that a newborn infant may be relinquished at the facility in accordance with this Act. The Department shall prescribe specifications for the signs and for their placement that will ensure statewide uniformity.

~~This Section does not apply to a hospital, fire station, emergency medical facility, or police station that has a sign that is consistent with the requirements of this Section that is posted on the effective date of this amendatory Act of the 95th General Assembly.~~

(Source: P.A. 102-4, eff. 4-27-21.)

(325 ILCS 2/35)

Sec. 35. Information for relinquishing person.

(a) The ~~A~~ hospital, police station, fire station, or emergency medical facility that receives a newborn infant relinquished in accordance with this Act shall ~~must~~ offer ~~an~~ ~~information packet~~ to the relinquishing person information about the relinquishment process and, either in writing or by referring such person to a website or other electronic resource, such information shall state ~~if possible, must~~ ~~clearly inform the relinquishing person~~ that his or her acceptance of the information is completely voluntary. The information packet must include all of the following:

(1) (Blank).

(2) Written notice of the following:

(A) No sooner than 60 days following the date of the initial relinquishment of the infant to a hospital, police station, fire station, or emergency medical facility, the child welfare ~~child-placing~~ agency or the Department will commence proceedings for the termination of parental rights and placement of the infant for adoption.

(B) Failure of a parent of the infant to contact the Department and petition for the return of custody of the infant before termination of parental rights

bars any future action asserting legal rights with respect to the infant.

(3) A resource list of providers of counseling services including grief counseling, pregnancy counseling, and counseling regarding adoption and other available options for placement of the infant.

Upon request of a parent, the Department of Public Health shall provide the application forms for the Illinois Adoption Registry and Medical Information Exchange.

(b) The information offered ~~packet~~ ~~given~~ to a relinquishing person ~~parent~~ in accordance with this Act shall include, in addition to other information required under this Act, the following:

(1) Information ~~A brochure (with a self mailer attached)~~ that describes this Act and the rights of birth parents, including an option ~~optional section~~ for the parent to complete and mail to the Department of Children and Family Services a form,~~7~~ that shall ask for basic anonymous background information about the relinquished child. This form ~~brochure~~ shall be maintained by the Department on its website.

(2) Information about ~~A brochure that describes~~ the Illinois Adoption Registry, including a toll-free number and website information. ~~This brochure shall be maintained on the Office of Vital Records website.~~

(3) Information about a mother's ~~A brochure describing~~

postpartum health ~~information for the mother.~~

The information provided in writing or through electronic means ~~packet~~ shall be designed in coordination between the Office of Vital Records and the Department of Children and Family Services. The Failure to provide such information under this Section or the failure of the relinquishing person to accept such information shall not invalidate the relinquishment under this Act. ~~, with the exception of the resource list of providers of counseling services and adoption agencies, which shall be provided by the hospital, fire station, police station, sheriff's office, or emergency medical facility.~~

(Source: P.A. 96-1114, eff. 7-20-10; 97-333, eff. 8-12-11.)

(325 ILCS 2/37)

Sec. 37. Public disclosure of information prohibited. Emergency medical professionals, employees, or other persons engaged in the administration or operation of a fire station, police station, hospital, emergency medical facility, child welfare ~~child placing~~ agency, or the Department where a newborn infant ~~baby~~ has been relinquished or transferred under this Act, are prohibited from publicly disclosing any information concerning the relinquishment of the infant and the individuals involved, except as otherwise provided by law.

(Source: P.A. 95-549, eff. 6-1-08.)

(325 ILCS 2/40)

Sec. 40. Reporting requirements.

(a) Within 12 hours after accepting a newborn infant from a relinquishing person or from a police station, fire station, or emergency medical facility in accordance with this Act, a hospital must report to the Department's State Central Registry for the purpose of transferring physical custody of the infant from the hospital to either a child welfare ~~child placing~~ agency or the Department.

(b) Within 24 hours after receiving a report under subsection (a), the Department must request assistance from law enforcement officials to investigate the matter using the National Crime Information Center to ensure that the relinquished newborn infant is not a missing child.

(c) Once a hospital has made a report to the Department under subsection (a), the Department must arrange for a licensed child welfare ~~child placing~~ agency to accept physical custody of the relinquished newborn infant.

(d) If a relinquished child is not a newborn infant as defined in this Act, the hospital and the Department must proceed as if the child is an abused or neglected child.

(Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01; 93-820, eff. 7-27-04.)

(325 ILCS 2/45)

Sec. 45. Medical assistance. Notwithstanding any other

provision of law, a newborn infant relinquished in accordance with this Act shall be deemed eligible for medical assistance under the Illinois Public Aid Code, and a hospital providing medical services to such an infant shall be reimbursed for those services in accordance with the payment methodologies authorized under that Code. In addition, for any day that a hospital has custody of a newborn infant relinquished in accordance with this Act and the infant does not require medically necessary care, the hospital shall be reimbursed by the Department of Healthcare and Family Services at the general acute care per diem rate, in accordance with 89 Ill. Adm. Code 148.270(c). The hospital shall complete and submit an application for medical assistance provided under Article V of the Illinois Public Aid Code on behalf of the infant. The Department of Healthcare and Family Services may adopt rules in accordance with this Section.

(Source: P.A. 95-331, eff. 8-21-07.)

(325 ILCS 2/50)

Sec. 50. Child welfare ~~Child-placing~~ agency procedures.

(a) The Department's State Central Registry must maintain a list of licensed child welfare ~~child-placing~~ agencies willing to take legal custody of newborn infants relinquished in accordance with this Act. The child welfare ~~child-placing~~ agencies on the list must be contacted by the Department on a rotating basis upon notice from a hospital that a newborn

infant has been relinquished in accordance with this Act.

(b) Upon notice from the Department that a newborn infant has been relinquished in accordance with this Act, a child welfare ~~child-placing~~ agency must accept the newborn infant if the agency has the accommodations to do so. The child welfare ~~child-placing~~ agency must seek an order for legal custody of the infant upon its acceptance of the infant.

(c) Within 3 business days after accepting the referral from the Department ~~assuming physical custody of the infant~~, the child welfare ~~child-placing~~ agency shall file a petition for custody in the division of the circuit court in which petitions for adoption would normally be heard. The petition for custody shall allege that the newborn infant has been relinquished in accordance with this Act and shall request ~~state~~ that the child welfare ~~child-placing~~ agency be given the authority ~~intends~~ to place the infant in an adoptive home, foster home, child care facility, or other facility appropriate for the needs of the infant. No filing or appearance fees shall be charged to any petitioner.

(d) If no licensed child welfare ~~child-placing~~ agency is able to accept the relinquished newborn infant, then the Department must assume responsibility for the infant as soon as practicable.

(e) A custody order issued under subsection (b) shall grant the child welfare agency the authority to make medical and health-related decisions for the infant. The order shall

remain in effect until a final ~~adoption~~ order based on the relinquished newborn infant's best interests is issued in accordance with this Act and the Adoption Act.

(f) When possible, the child welfare ~~child-placing~~ agency must place a relinquished newborn infant in a prospective adoptive home.

(g) The Department or child welfare ~~child-placing~~ agency must initiate proceedings to (i) terminate the parental rights of the relinquished newborn infant's known or unknown parents, (ii) appoint a guardian for the infant, and (iii) obtain consent to the infant's adoption in accordance with this Act no sooner than 60 days following the date of the initial relinquishment of the infant to the hospital, police station, fire station, or emergency medical facility.

(h) Before filing a petition for termination of parental rights, the Department or child welfare ~~child-placing~~ agency must do the following:

(1) If the name of either the biological parent is known, search the Illinois ~~Search its~~ Putative Father Registry for the purpose of determining the identity and location of the putative father of the relinquished newborn infant who is, or is expected to be, the subject of an adoption proceeding, in order to provide notice of the proceeding to the putative father. At least one search of the Registry must be conducted, at least 30 days after the relinquished newborn infant's estimated date of birth;

earlier searches may be conducted, however. Notice to any potential putative father discovered in a search of the Registry according to the estimated age of the relinquished newborn infant must be in accordance with the Code of Civil Procedure or Section 12a of the Adoption Act. If the names of all the alleged parents are unknown, then a search is not required under this Section.

(2) Verify with the Department that, in accordance with subsection (b) of Section 40, ~~with law enforcement officials, using the National Crime Information Center,~~ ~~that~~ the relinquished newborn infant is not a missing child.

(Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01; 93-820, eff. 7-27-04.)

(325 ILCS 2/55)

Sec. 55. Petition for return of custody.

(a) A parent or person claiming to be a parent of a newborn infant relinquished in accordance with this Act may petition for the return of custody of the infant before the termination of parental rights with respect to the infant.

(b) A parent of a newborn infant relinquished in accordance with this Act may petition for the return of custody of the infant by contacting the Department for the purpose of obtaining the name of the child welfare ~~child placing~~ agency with custody of the infant and the

appropriate court in which the petition for return of custody of the infant must be filed, and then filing a petition for return of custody in the circuit court in which the proceeding for the termination of parental rights is pending. No filing fees or appearance fees shall be charged to any petitioner.

(c) (Blank). ~~If a petition for the termination of parental rights has not been filed by the Department or the child placing agency, the parent of the relinquished newborn infant must contact the Department, which must notify the parent of the appropriate court in which the petition for return of custody must be filed.~~

(d) The circuit court may hold the proceeding for the termination of parental rights in abeyance for a period not to exceed 60 days from the date that the petition for return of custody was filed without a showing of good cause. During that period:

(1) The court shall order genetic testing to establish maternity or paternity, or both.

(2) The Department shall conduct a child protective investigation and home study to develop recommendations to the court.

(3) When indicated as a result of the Department's investigation and home study, further proceedings under the Juvenile Court Act of 1987 as the court determines appropriate, may be conducted. However, relinquishment of a newborn infant in accordance with this Act does not

render the infant abused, neglected, or abandoned solely because the newborn infant was relinquished to a hospital, police station, fire station, or emergency medical facility in accordance with this Act.

(4) The court shall appoint a guardian ad litem to represent the interests of the infant.

(e) Failure to file a petition for the return of custody of a relinquished newborn infant before the termination of parental rights bars any future action asserting legal rights with respect to the infant unless the parent's act of relinquishment that led to the termination of parental rights involved fraud perpetrated against and not stemming from or involving the parent of the newborn infant. No action to void or revoke the termination of parental rights of a parent of a newborn infant relinquished in accordance with this Act, including an action based on fraud, may be commenced after 12 months after the date that the newborn infant was initially relinquished to a hospital, police station, fire station, or emergency medical facility.

(Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01; 93-820, eff. 7-27-04.)

(325 ILCS 2/60)

Sec. 60. Department's duties. The Department must implement a public information program to promote safe placement alternatives for newborn infants. The public

information program must inform the public of the following:

(1) The relinquishment alternative provided for in this Act, which results in the adoption of a newborn infant relinquished under 30 ~~7~~ days of age and which provides for the parent's anonymity, if the parent so chooses.

(2) The alternative of adoption through a public or private agency, in which the parent's identity may or may not be known to the agency, but is kept anonymous from the adoptive parents, if the birth parent so desires, and which allows the parent to be actively involved in the child's adoption plan.

The public information program may include, but need not be limited to, the following elements:

(i) Educational and informational materials in print, audio, video, electronic or other media.

(ii) Establishment of a web site.

(iii) Public service announcements and advertisements.

(iv) Establishment of toll-free telephone hotlines to provide information.

(Source: P.A. 94-941, eff. 6-26-06.)

(325 ILCS 2/65)

Sec. 65. Evaluation.

(a) The Department shall collect and analyze information regarding the relinquishment of newborn infants and placement

of children under this Act. Police stations, fire stations, emergency medical facilities, and medical professionals accepting and providing services to a newborn infant under this Act shall report to the Department data necessary for the Department to evaluate and determine the effect of this Act in the prevention of injury or death of newborn infants. Child welfare ~~Child placing~~ agencies shall report to the Department data necessary to evaluate and determine the effectiveness of these agencies in providing child protective and child welfare services to newborn infants relinquished under this Act.

(b) The information collected shall include, but need not be limited to: the number of newborn infants relinquished; the category of the place of relinquishment (hospital, police station, fire station, or emergency medical facility); the services provided to relinquished newborn infants; the outcome of care for the relinquished newborn infants; the number and disposition of cases of relinquished newborn infants subject to placement; the number of children accepted and served by child welfare ~~child placing~~ agencies; and the services provided by child welfare ~~child placing~~ agencies and the disposition of the cases of the children placed under this Act.

(c) The Department shall submit a report by January 1, 2002, and on January 1 of each year thereafter, to the Governor and General Assembly regarding the prevention of injury or death of newborn infants and the effect of placements of

children under this Act. The report shall include, but need not be limited to, a summary of collected data, an analysis of the data and conclusions regarding the Act's effectiveness, a determination whether the purposes of the Act are being achieved, and recommendations for changes that may be considered necessary to improve the administration and enforcement of this Act.

(Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01; 93-820, eff. 7-27-04.)

Section 15. The Immunization Data Registry Act is amended by changing Section 20 as follows:

(410 ILCS 527/20)

Sec. 20. Confidentiality of information; release of information; statistics; panel on expanding access.

(a) Records maintained as part of the immunization data registry are confidential.

(b) The Department may release an individual's confidential information to the individual or to the individual's parent or guardian if the individual is less than 18 years of age.

(c) Subject to subsection (d) of this Section, the Department may release information in the immunization data registry concerning an individual to the following entities:

(1) The immunization data registry of another state.

(2) A health care provider or a health care provider's designee.

(3) A local health department.

(4) An elementary or secondary school that is attended by the individual.

(5) A licensed child care center in which the individual is enrolled.

(6) A licensed child welfare ~~child placing~~ agency.

(7) A college or university that is attended by the individual.

(8) The Department of Healthcare and Family Services or a managed care entity contracted with the Department of Healthcare and Family Services to coordinate the provision of medical care to enrollees of the medical assistance program.

(d) Before immunization data may be released to an entity, the entity must enter into an agreement with the Department that provides that information that identifies a patient will not be released to any other person without the written consent of the patient.

(e) The Department may release summary statistics regarding information in the immunization data registry if the summary statistics do not reveal the identity of an individual.

(Source: P.A. 97-117, eff. 7-14-11; 98-651, eff. 6-16-14.)

Section 20. The Illinois Parentage Act of 2015 is amended by changing Section 602 as follows:

(750 ILCS 46/602)

Sec. 602. Standing. A complaint to adjudicate parentage shall be verified, shall be designated a petition, and shall name the person or persons alleged to be the parent of the child. Subject to Article 3 and Sections 607, 608, and 609 of this Act, a proceeding to adjudicate parentage may be maintained by:

- (a) the child;
- (b) the mother of the child;
- (c) a pregnant woman;
- (d) a man presumed or alleging himself to be the parent of the child;
- (e) a woman presumed or alleging herself to be the parent of the child;
- (f) the support-enforcement agency or other governmental agency authorized by other law;
- (g) any person or public agency that has physical possession of or has custody of or has been allocated parental responsibilities for, is providing financial support to, or has provided financial support to the child;
- (h) the Department of Healthcare and Family Services if it is providing, or has provided, financial support to

the child or if it is assisting with child support collections services;

(i) an authorized adoption agency or licensed child welfare ~~child-placing~~ agency;

(j) a representative authorized by law to act for an individual who would otherwise be entitled to maintain a proceeding but who is deceased, incapacitated, or a minor; or

(k) an intended parent.

(Source: P.A. 99-85, eff. 1-1-16; 99-769, eff. 1-1-17.)

Section 25. The Adoption Act is amended by changing Sections 4.1 and 10 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

welfare ~~child-placing~~ agency conducts within its geographical area, and, if applicable, adoptive placements and the finalization of adoptions. The child welfare ~~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 welfare ~~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 September 24, 2017 (30 days after the effective date of Public Act 100-344), the Department shall distribute a written list of all preadoption 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 preadoption 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. 99-49, eff. 7-15-15; 100-344, eff. 8-25-17; 100-863, eff. 8-14-18.)

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

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

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

FINAL AND IRREVOCABLE CONSENT TO ADOPTION

I,, (relationship, e.g., mother, father, relative, guardian) of, a male or female (circle one) child, state:

That such child was born on at

That I reside at, County of and State of

That I am of the age of years.

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

That I hereby acknowledge that I have been provided with a copy of the Birth Parent Rights and Responsibilities-Private Form before signing this Consent and that I have had time to read, or have had read to me, this Form. I understand that if I do not receive any of the rights as described in this Form, it

shall not constitute a basis to revoke this Final and Irrevocable Consent.

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

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

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

Dated (insert date).

.....

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

A-1. (1) The form of the Final and Irrevocable Consent to Adoption by a Specified Person or Persons: Non-DCFS Case set forth in this subsection A-1 is to be used by legal parents only. This form is not to be used in cases in which there is a pending petition under Section 2-13 of the Juvenile Court Act of 1987.

(2) The form of the Final and Irrevocable Consent to

Adoption by a Specified Person or Persons in a non-DCFS case shall have the caption of the proceeding in which it is to be filed and shall be substantially as follows:

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

I,, (relationship, e.g., mother, father) of, a male or female (circle one) child, state:

1. That such child was born on, at, in the City/Town of ... and State of

2. That I reside at, County of and State of, my email address (if I have one) is my cell phone number where I can receive text messages (if I have one) is and my land line phone number (if I have one) is, and any other contact information is

3. That I am of the age of years.

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

5. That I hereby acknowledge that I have been provided a copy of the Birth Parent Rights and Responsibilities-Private Form before signing this Consent and that I have had time to read, or have had read to me, this Form and that I understand the Rights and Responsibilities described in this Form. I understand that if I do not receive any of my rights as described in said Form, it shall not constitute a basis to

revoke this Final and Irrevocable Consent to Adoption by a Specified Person.

6. That I do hereby consent and agree to the adoption of such child by (specified person or persons) only. If only first names are used for the specified person or persons, I voluntarily sign this specified consent form without disclosure to me of the last name of the specified person or persons. However, I understand that if I wish to know the last name of the specified person or persons, I may request it before signing the form. If I do not receive the last name, I may choose not to sign the specified consent form.

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

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

petition for the adoption of such child.

9. That if the specified person or persons designated herein do not file a petition for adoption within the time-frame specified above, or, if said petition for adoption is filed within the time-frame specified above but the adoption petition is dismissed with prejudice or the adoption proceeding is otherwise concluded without an order declaring the child to be the adopted child of the specified person or persons, then I understand that I will be sent written notice of such circumstances at the mailing address, at the email address, through a text message to my cell phone number, and to any other contact information I have provided in paragraph 2 within 5 business days of this occurrence. I understand that the notice will be directed to me using the contact information I have provided in this consent. I understand that I will have 15 business days from the date that the written notice is sent to me to respond in the manner described in the notice, within which time I may request the Court to declare this consent voidable and return the child to me. I further understand that the Court will make the final decision of whether or not the child will be returned to me. If I do not make such request within 15 business days of the date the notice was sent, then I expressly waive any other notice or service of process in any legal proceeding regarding the child, including a legal proceeding for someone other than (specified person or persons) to adopt the child, and

that I will have no parental rights as to the child. The person sending the notice shall file an affidavit of notice as proof of the date sent.

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

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

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

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

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

Dated (insert date).

.....

Signature of parent.

.....

Address of parent.

.....

Phone number(s) of parent.

.....

Personal email(s) of parent.

.....

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

STATE OF)

) SS.

COUNTY OF)

I, (Name of Judge or other person),
..... (official title, name, and address),
certify that, personally known to me to be the same person whose name is subscribed to the foregoing Final and Irrevocable Consent for Adoption by a Specified Person or Persons; non-DCFS case, appeared before me this day in person and acknowledged that (she)(he) signed and delivered the consent as (her)(his) free and voluntary act, for the specified purpose. I am further satisfied that, before signing

this Consent, has read, or has had read to him or her, the Birth Parent Rights and Responsibilities-Private Form.

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

Birth Parent Rights and Responsibilities-Private Form

THIS FORM DOES NOT CONSTITUTE LEGAL ADVICE. LEGAL ADVICE IS DEPENDENT ON THE SPECIFIC CIRCUMSTANCES OF EACH SITUATION AND JURISDICTION. THE INFORMATION IN THIS FORM CANNOT REPLACE THE ADVICE OF AN ATTORNEY LICENSED IN YOUR STATE.

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

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

2. To be treated with dignity and respect at all times and to make decisions free from coercion and pressure.

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

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

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

6. To see your child before signing a Consent or Specified Consent if you are the custodial parent, and to request to see your child if you are not the custodial parent.

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

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

language.

9. To request that your identifying information remain confidential, unless required otherwise by Illinois law or court order, and to voluntarily share your medical, background, and identifying information, including information on the original birth certificate of your child. This can be done through the Illinois Adoption Registry and Medical Information Exchange or through completing the Birth Parent Preference Form. Please visit <http://dph.illinois.gov> or www.newillinoisadoptionlaw.com.

10. To access the Confidential Intermediary Program which provides a way for a court appointed person to connect and/or exchange information between adoptees, adoptive parents and birth parents, and other biological family members, provided in most cases that mutual consent is given. Please visit www.ci-illinois.org or call (800) 526-9022(x29).

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

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

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

14. To decline to sign a Consent, Specified Consent, or Unborn Consent even if you have received financial support

from the prospective adoptive parents.

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

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

1. To carefully consider your reasons for choosing adoption.

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

3. To provide the necessary documentation regarding financial need to make an appropriate determination of reasonable pregnancy-related expenses.

4. To not accept financial support or reimbursement of pregnancy related expenses simultaneously from more than one source or if you are not pregnant, as doing so is a crime.

5. To voluntarily provide all known medical, background, and family information about yourself and your immediate family to your child's prospective adoptive parents or their attorney. For the health of your child, you are strongly encouraged, but not required, to do so as set forth on the following form:

Birth Parent Medical Information

The purpose of this form is to gather your health history,

genetic history, and social background information to share with the adoptive parents. It is important the adoptive family provide this information to the child's physician. It will become a part of the child's medical and family history. This form, in its entirety, will be given to the adoptive parent(s).

The following information is true and complete to the best of my knowledge and belief.

Birth parent name:

.....

Signature:

.....

Date:.....

YES or NO (circle one) I agree to release my full name on this form to the adoptive family. If NO is circled then the birth parent's name shall be redacted on this form.

MOTHER'S PHYSICAL CHARACTERISTICS:

Eyes: ... Hair: Complexion: Height:

Weight: Body build: Race:

Nationality/Descent: Blood type: Rh factor:

Eye glasses or contact lenses? Yes /.../ No /.../

Right /.../ Left /.../ handed

Age: or Date of birth: Religion:

Please list your highest education level, occupation, hobbies, interests, and talents:

.....

Existence of any disabilities? Yes /.../ No /.../

If yes, explain:

If you have other children, list them below. Include any children previously placed for adoption.

.....

Describe your relationship with the birth father:

FATHER'S PHYSICAL CHARACTERISTICS:

Eyes: ... Hair: Complexion: Height:

Weight: Body build: Race:

Nationality/Descent: Blood type: Rh factor:

Eye glasses or contact lenses? Yes /.../ No /.../

Right /.../ Left /.../ handed

Age: or Date of birth: Religion:

Please list your highest education level, occupation, hobbies, interests, and talents:

.....

Existence of any disabilities? Yes /.../ No /.../

If yes, explain:

If you have other children, list them below. Include any children previously placed for adoption.

.....

PREGNANCY HISTORY INVOLVING THIS CHILD

Month prenatal care began during this pregnancy:

Complications during pregnancy: Yes ... No ... If yes, explain:

.....

MEDICATION AND OTHER SUBSTANCES USED DURING
PREGNANCY OR YEAR PRIOR TO PREGNANCY

	YES	NO	FREQUENCY/ AMOUNT DURING PREGNANCY	FREQUENCY/ AMOUNT PRIOR TO PREGNANCY
Alcohol	/.. /	/.. /
Amphetamines	/.. /	/.. /
Barbiturates	/.. /	/.. /
Cocaine	/.. /	/.. /
Heroin	/.. /	/.. /
LSD	/.. /	/.. /
Marijuana	/.. /	/.. /
Caffeine (Coffee, tea, etc)	/.. /	/.. /
Prescription drugs	/.. /	/.. /
Non- prescription drugs	/.. /	/.. /
Other	/.. /	/.. /

In addition to this form, a birth parent shall also be provided the forms for the Illinois Adoption Registry and Medical Information Exchange.

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

CONSENT TO ADOPTION OF UNBORN CHILD

I,, state:

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

That I reside at County of, and State of

That I am of the age of years.

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

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

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

That I wish to and do understand that by signing this consent I do irrevocably and permanently give up all custody and other parental rights I have to such child, except that I have the right to revoke this consent by giving written notice

of my revocation not later than 72 hours after the birth of the child.

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

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

Dated (insert date).

.....

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

FINAL AND IRREVOCABLE CONSENT
TO STANDBY ADOPTION

I, ..., (relationship, e.g. mother or father) of ..., a male or female (circle one) child, state:

That the child was born on at

That I reside at, County of, and State of

That I am of the age of years.

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

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

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

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

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

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

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

Dated (insert date).

.....

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

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

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

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

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

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

STATE OF)

) SS.

COUNTY OF)

I, (name of Judge or other person) (official title, name, and address), certify that, personally

known to me to be the same person whose name is subscribed to the foregoing Final and Irrevocable Consent to Standby Adoption, appeared before me this day in person and acknowledged that (she) (he) signed and delivered the consent as (her) (his) free and voluntary act, for the specified purpose.

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

Dated (insert date).

Signature

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

- (a) the specified person or persons do not file a petition for standby adoption of the child; or
- (b) a court denies the standby adoption petition.

The parent shall not need to take further action to revoke the consent if the standby adoption by the specified person or

persons does not occur, notwithstanding the provisions of Section 11 of this Act.

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

FINAL AND IRREVOCABLE SURRENDER
FOR PURPOSES OF ADOPTION

I, (relationship, e.g., mother, father, relative, guardian) of, a male or female (circle one) child, state:

That such child was born on, at

That I reside at, County of, and State of

That I am of the age of years.

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

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

such person or persons; and to take any and all measures which, in the judgment of the Agency, may be for the best interests of such child, including authorizing medical, surgical and dental care and treatment including inoculation and anaesthesia for such child.

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

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

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

Dated (insert date).
.....

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

FINAL AND IRREVOCABLE DESIGNATED SURRENDER
FOR PURPOSES OF ADOPTION

I, (relationship, e.g., mother, father, relative, guardian) of, a male or female (circle one) child, state:

1. That such child was born on, at

2. That I reside at, County of, and State of, my email address (if I have one) is my cell phone number where I can receive text messages (if I have one) is and my land line phone number (if I have one) is, and any other contact information is

3. That I am of the age of years.

4. That I do hereby surrender and entrust the entire custody and control of such child to the (the "Agency"), a (public) (licensed) child welfare agency with its principal office in the City of, County of and State of, for the purpose of enabling it to care for and supervise the care of such child, to place such child for adoption with (specified person or persons) and to consent to the legal adoption of such child and to take any and all measures which, in the judgment of the Agency, may be for the best interests of such child, including authorizing medical, surgical and dental care and treatment including inoculation and anesthesia for such child. If only first names are used for the specified person or persons, I voluntarily sign this designated surrender without disclosure to me of the last name of the specified person or persons. However, I understand that if I wish to know the last name of the

specified person or persons, I may request it before signing the form. If I do not receive the last name, I may choose not to sign the designated surrender form.

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

6. That if the petition for adoption is not filed by the specified person or persons designated herein or, if the petition for adoption is filed but the adoption petition is dismissed with prejudice or the adoption proceeding is otherwise concluded without an order declaring the child to be the adopted child of each specified person, then I understand that the Agency will send notice to me at the mailing address, at the email address, through a text message to my cell phone number provided in paragraph 2, and to any other contact information I have provided in paragraph 2 within 5 business days of this occurrence. The person sending the notice shall prepare an affidavit of notice. I understand that I will have 15 business days from the date that the written notice was sent to respond, within which time I may choose to designate other adoptive parent(s). However, I acknowledge that the Agency has full power and authority to place the child for adoption with any person or persons it may in its sole discretion select to become the adopting parent or parents and to consent to the legal adoption of the child by such person or persons.

7. That I acknowledge that this surrender is valid even if

the specified persons separate or divorce or one of the specified persons dies prior to the entry of the final judgment for adoption.

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

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

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

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

Dated (insert date).

.....

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

PURPOSES OF ADOPTION

I, (father), state:

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

That I reside at, County of, and State of

That I am of the age of years.

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

That I hereby grant to the Agency full power and authority to place such child with any person or persons it may in its sole discretion select to become the adopting parent or parents and to consent to the legal adoption of such child by such person or persons; and to take any and all measures which, in the judgment of the Agency, may be for the best interests of such child, including authorizing medical, surgical and dental care and treatment, including inoculation and anaesthesia for such child.

That I wish to and understand that by signing this

surrender I do irrevocably and permanently give up all custody and other parental rights I have to such child.

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

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

Dated (insert date).

.....

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

CONSENT

I,, (father) (mother) of, an adult, state:

That I reside at, County of and State of

That I do hereby consent and agree to the adoption of such adult by and

Dated (insert date).

.....

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

CONSENT

I,, state:

That I reside at, County of and State of
That I am of the age of years. That I hereby enter my appearance in this proceeding and waive service of summons on me. That I consent and agree to my adoption by and

Dated (insert date).

.....

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

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

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

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

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

STATE OF)

) SS.

COUNTY OF ...)

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

I have fully explained that by signing such (consent) (surrender) (she) (he) is irrevocably relinquishing all parental rights to such child or adult and (she) (he) has stated that such is (her) (his) intention and desire. (Add if Consent only) I am further satisfied that, before signing this Consent, has read, or has had read to him or her, the Birth Parent Rights and Responsibilities-Private Form.

Dated (insert date).

Signature

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

STATE OF)

) SS.

COUNTY OF ...)

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

Dated (insert date).

Signature Notary Public
(official seal)

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

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

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

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

O. (1) The parent or parents of a child in whose interests a petition under Section 2-13 of the Juvenile Court Act of 1987 is pending may, with the approval of the designated

representative of the Department of Children and Family Services ("Department" or "DCFS"), execute a consent to adoption by a specified person or persons:

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

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

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

The court may waive the time frames in subdivisions (a), (b), and (c) for good cause shown if the court finds it to be in the child's best interests.

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

(2) The final and irrevocable consent to adoption by a specified person or persons in a Department of Children and Family Services (DCFS) case shall be substantially as follows:

FINAL AND IRREVOCABLE CONSENT TO ADOPTION BY

A SPECIFIED PERSON OR PERSONS: DCFS CASE

I,, the mother or father (circle one) of a male or

female (circle one) child, state:

1. My child (name of child) was born on (insert date) at Hospital in the City/Town of, in County, State of

2. I reside at, County of and State of

Mail may also be sent to me at this address, in care of

My home telephone number is

My cell telephone number is

My e-mail address is

3. I,, am years old.

4. I enter my appearance in this action for my child to be adopted by the person or persons specified herein by me and waive service of summons on me in this action only.

5. I hereby acknowledge that I have been provided a copy of the Birth Parent Rights and Responsibilities in Illinois for Final and Irrevocable Consents to Adoption by a Specified Person or Persons for DCFS Cases before signing this Consent and that I have had time to read this form or have it read to me and that I understand the rights and responsibilities described in this form. I understand that if I do not receive any of my rights as described in

the form, it shall not constitute a basis to revoke this Final and Irrevocable Consent to Adoption by a Specified Person or Persons.

6. I do hereby consent and agree to the adoption of such child by (names of current foster parent(s) or caregiver(s), hereinafter referred to as the "specified person or persons") only.

7. I wish to sign this consent and I understand that by signing this consent I irrevocably and permanently give up all my parental rights I have to my child.

8. I understand that this consent allows my child to be adopted by the specified person or persons only and that I cannot under any circumstances after signing this document change my mind and revoke or cancel this consent.

9. I understand that this consent will be void if:

(a) the Department places my child with someone other than the specified person or persons; or

(b) a court denies the adoption petition for the specified person or persons to adopt my child; or

(c) the DCFS Guardianship Administrator refuses to consent to my child's adoption by the specified person or persons on the basis that the adoption is not in my child's best interests.

I understand that if this consent is void I have parental rights to my child, subject to any applicable court orders including those entered under Article II of

the Juvenile Court Act of 1987, unless and until I sign a new consent or surrender or my parental rights are involuntarily terminated. I understand that if this consent is void, my child may be adopted by someone other than the specified person or persons only if I sign a new consent or surrender, or my parental rights are involuntarily terminated. I understand that if this consent is void, the Department will notify me within 30 days using the addresses and telephone numbers I provided in paragraph 2 of this form. I understand that if I receive such a notice, it is very important that I contact the Department immediately, and preferably within 30 days, to have input into the plan for my child's future.

10. I understand that if a petition for adoption of my child is filed by someone other than the specified person or persons, the Department will notify me within 14 days after the Department becomes aware of the petition. The fact that someone other than the specified person or persons files a petition to adopt my child does not make this consent void.

11. If a person other than the specified person or persons files a petition to adopt my child or if the consent is void under paragraph 9, the Department will send written notice to me using the mailing address and email address provided by me in paragraph 2 of this form. The Department will also contact me using the telephone

numbers I provided in paragraph 2 of this form. It is very important that I let the Department know if any of my contact information changes. If I do not let the Department know if any of my contact information changes, I understand that I may not receive notification from the Department if this consent is void or if someone other than the specified person or persons files a petition to adopt my child. If any of my contact information changes, I should immediately notify:

Caseworker's name and telephone number:

..... ;

Agency name, address, zip code, and telephone number:

..... ;

Supervisor's name and telephone number:

..... ;

DCFS Advocacy Office for Children and Families:
800-232-3798.

12. I expressly acknowledge that paragraph 9 (and paragraphs 8a and 8b, if applicable) do not impair the validity and finality of this consent under any circumstances.

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

Dated (insert date).

.....

Signature of parent

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

8a. I understand that I cannot change my mind or revoke this consent or recover custody of my child on the basis that the specified persons divorce or are granted a dissolution of a civil union or that one of the specified persons has died.

8b. I understand that if the specified persons get a divorce or are granted a dissolution of a civil union before the petition to adopt my child is granted, this consent remains valid only for (name only one specified person) to adopt my child.

8c. I understand that if either of the specified persons dies before the petition to adopt my child is granted, this consent remains valid for the surviving person to adopt my child.

(4) The form of the certificate of acknowledgement for a Final and Irrevocable Consent for Adoption by a Specified Person or Persons: DCFS Case shall be substantially as follows:

STATE OF)

) SS.

COUNTY OF)

I, (Name of Judge or other person),
 (official title, name, and address),
 certify that, personally known to me to be the
 same person whose name is subscribed to the foregoing Final
 and Irrevocable Consent for Adoption by a Specified Person or
 Persons: DCFS Case, appeared before me this day in person and
 acknowledged that (she)(he) signed and delivered the consent
 as (her)(his) free and voluntary act, for the specified
 purpose.

I have fully explained that by signing this consent this
 parent is irrevocably and permanently relinquishing all
 parental rights to the child so that the child may be adopted
 by a specified person or persons, and this parent has stated
 that such is (her)(his) intention and desire. I have fully
 explained that this consent is void only if:

- (a) the placement is disrupted and the child is moved
to a different placement; or
- (b) a court denies the petition for adoption; or
- (c) the Department of Children and Family Services
Guardianship Administrator refuses to consent to the
child's adoption by a specified person or persons on the
basis that the adoption is not in the child's best
interests.

Dated (insert date).

.....

Signature

(5) If a consent to adoption by a specified person or persons is executed in this form, the following provisions shall apply. The consent shall be valid only for the specified person or persons to adopt the child. The consent shall be void if:

(a) the placement disrupts and the child is moved to another placement; or

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

(c) the Department of Children and Family Services Guardianship Administrator refuses to consent to the child's adoption by the specified person or persons on the basis that the adoption is not in the child's best interests.

If the consent is void under this Section, the parent shall not need to take further action to revoke the consent. No proceeding for termination of parental rights shall be brought unless the parent who executed the consent to adoption by a specified person or persons has been notified of the proceedings pursuant to Section 7 of this Act or subsection (4) of Section 2-13 of the Juvenile Court Act of 1987.

(6) The Department of Children and Family Services is authorized to promulgate rules necessary to implement this subsection O.

(7) (Blank).

(8) The Department of Children and Family Services shall promulgate a rule and procedures regarding Consents to Adoption by a Specified Person or Persons in DCFS cases. The rule and procedures shall provide for the development of the Birth Parent Rights and Responsibilities Form for DCFS Cases.

(9) A consent to adoption by specified persons on this consent form shall have no effect on a court's determination of custody or visitation under the Illinois Marriage and Dissolution of Marriage Act or the Illinois Religious Freedom Protection and Civil Union Act if the marriage or civil union of the specified persons is dissolved after the adoption is final.

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

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

R. An agency whose representative is acknowledging a consent pursuant to this Section shall be a public child welfare agency, or a child welfare agency, ~~or a child placing agency~~ that is authorized or licensed in the State or jurisdiction in which the consent is signed.

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

FINAL AND IRREVOCABLE

WAIVER OF PARENTAL RIGHTS OF PUTATIVE OR LEGAL FATHER

I,, state under oath or affirm as follows:

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

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

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

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

5. That I (select one):

..... am married to the biological mother.

..... am not married to the biological mother and have not been married to the biological mother within 300 days before the child's birth or expected date of child's birth.

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

6. That I (select one):

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

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

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

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

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

after I sign this Waiver.

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

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

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

Dated:, ..
.....

Signature

OATH

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

.....
Signature

Public Act 103-0501

SB1999 Enrolled

LRB103 30669 KTG 57130 b

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

.....

Notary Public

(Source: P.A. 99-833, eff. 1-1-17; 100-1060, eff. 1-1-19.)