**Section 309.105 Who May Adopt a Child**

a) *Any of the following persons, who is under no legal disability (except the minority specified in subsection (a)(2)) and who has resided in the State of Illinois continuously for a period of at least 6 months immediately preceding the commencement of an adoption proceeding, or any member of the armed forces of the United States who has been domiciled in the State of Illinois for 90 days, may institute such proceedings:*

1) *A reputable person of legal age and of either sex, provided that if such person is married*, or a party to a civil union, *and has not been living separate and apart from his or her spouse*, or civil union partner, *for 12 months or longer, his or her spouse or civil union partner shall be a party to the adoption proceeding, including a spouse or civil union partner desiring to adopt a child of the other spouse* or a civil union partner*, in all of which cases the adoption shall be by both spouses* or civil union partners *jointly;*

2) *A minor, by leave of court upon good cause shown. Notwithstanding subsection* (a)(1), *a spouse or civil union partner is not required to join in a petition for adoption to re-adopt a child after an intercountry adoption if the spouse or civil union partner did not previously adopt the child as set forth in Section 4.1(c) and (e) of* the Adoption Act.

b) *The residence requirement specified in subsection (a) shall not apply to an adoption of a related child or child previously adopted in a foreign country by the petitioner* *to an adoption of a child placed by an agency.* [750 ILCS 50/2]

(Source: Amended at 43 Ill. Reg. 12076, effective October 10, 2019)