**Section 333.90 Requirements for Adoption of Children Emigrating from the United States**

a) An Illinois placing agency shall:

1) Be licensed as a child welfare agency in Illinois;

2) Be Hague accredited; and

3) Obtain prior written approval from the Department's Intercountry Adoption Coordinator to place a child for adoption in a foreign country.

b) Pre-placement Requirements in Outgoing Adoptions

1) The agency shall have written procedures to ensure the safe transportation of the child or transfer of the child if the child is in the company of the adoptive parents or the prospective adoptive parents.

2) The agency shall identify the entity in the receiving country that will provide post-placement supervision and reports and ensure that the child's **adoption** record contains the information necessary for contacting that entity.

3) The placement agency shall arrange post-placement supervision and/or other support services as required until legal adoption has been achieved, the minor has been returned to the United States, or an alternate adoption plan has been developed.

4) The agency shall obtain a written agreement from the adoptive parents to participate in the post-adoption visits that will take place.

c) Placement Requirements

In the case of a Convention adoption or Non-Convention Adoption involving the emigration of a child residing in the United States to a foreign country, the accredited agency shall do the following prior to placement:

1) Complete and provide to the Department a social study/medical history on the child;

2) Provide documentation that the child is legally available for adoption;

3) Document that a home study report on the prospective adoptive parents has been prepared in accordance with the laws of the receiving country and that the study includes a background check of the prospective adoptive parents;

4) Provide documentation that an Illinois court order granted transfer of custody of the child in adoption.

d) Post-placement Requirements Prior to the Finalization of an Adoption

The agency responsible for post-adoption services shall:

1) Visit the children in the agency's care at least once every 30 days and discuss their wellbeing and concerns. No less than half of the visits shall be conducted in the home where the child resides; and

2) Assess the safety in the pre-adoptive home.

e) Retention of Jurisdiction

1) The Illinois placing agency shall retain jurisdiction over the child to determine all matters related to custody, supervision and care of the child and the final status of the case. This includes situations in which the adoption is disrupted and the agency regains custody of the child and finds an alternative adoptive family for the child. This jurisdiction shall also include the authority to effect or cause the return of the child to the United States or the child's transfer to another location.

2) When applicable, the Illinois placing agency shall retain legal and financial responsibility for the child during the period of placement prior to adoption finalization.

f) An agency found to be in violation of specific conditions of this Part may be subject to civil or criminal penalties.