

1 AN ACT concerning adoption.

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

4 Section 5. The Adoption Act is amended by changing
5 Section 6 as follows:

6 (750 ILCS 50/6) (from Ch. 40, par. 1508)

7 Sec. 6. A. Investigation; all cases. Within 10 days
8 after the filing of a petition for the adoption or standby
9 adoption of a child other than a related child, the court
10 shall appoint a child welfare agency approved by the
11 Department of Children and Family Services, or a person
12 deemed competent by the court, or in Cook County the Court
13 Services Division of the Cook County Department of Public
14 Aid, or the Department of Children and Family Services if the
15 court determines that no child welfare agency is available or
16 that the petitioner is financially unable to pay for the
17 investigation, to investigate accurately, fully and promptly,
18 the allegations contained in the petition; the character,
19 reputation, health and general standing in the community of
20 the petitioners; the religious faith of the petitioners and,
21 if ascertainable, of the child sought to be adopted; and
22 whether the petitioners are proper persons to adopt the child
23 and whether the child is a proper subject of adoption. The
24 investigation required under this Section shall include a
25 criminal background check with a review of fingerprints by
26 State and federal authorities. The criminal background check
27 required by this Section shall include a listing of when,
28 where and by whom the criminal background check was prepared.
29 The criminal background check required by this Section shall
30 not be more than two years old.

31 Notwithstanding any other provision of law, neither an

1 investigation conducted under this Act nor a report of
2 investigation may consider or include any conviction (or
3 disposition of supervision) of a petitioner for any
4 misdemeanor, business offense, or petty offense if the
5 offense occurred more than 15 years before the filing of the
6 petition for adoption and the offense was not a sex offense
7 or an offense involving bodily harm. The conviction (or
8 disposition of supervision) of a petitioner for any
9 misdemeanor, business offense, or petty offense that occurred
10 more than 15 years before the filing of the petition for
11 adoption and was not a sex offense or an offense involving
12 bodily harm may not be considered to be a bar or impediment
13 to adoption of a child by the petitioner.

14 Neither a clerk of the circuit court nor a judge may
15 require that a criminal background check or fingerprint
16 review be filed with, or at the same time as, an initial
17 petition for adoption.

18 B. Investigation; foreign-born child. In the case of a
19 child born outside the United States or a territory thereof,
20 in addition to the investigation required under subsection
21 (A) of this Section, a post-placement investigation shall be
22 conducted in accordance with the requirements of the Child
23 Care Act of 1969, the Interstate Compact on the Placement of
24 Children, and regulations of the foreign placing agency and
25 the supervising agency.

26 The requirements of a post-placement investigation shall
27 be deemed to have been satisfied if a valid final order or
28 judgment of adoption has been entered by a court of competent
29 jurisdiction in a country other than the United States or a
30 territory thereof with respect to such child and the
31 petitioners.

32 C. Report of investigation. The court shall determine
33 whether the costs of the investigation shall be charged to
34 the petitioners. The information obtained as a result of such

1 investigation shall be presented to the court in a written
2 report. The results of the criminal background check required
3 under subsection (A) shall be provided to the court for its
4 review. The court may, in its discretion, weigh the
5 significance of the results of the criminal background check
6 against the entirety of the background of the petitioners.
7 The Court, in its discretion, may accept the report of the
8 investigation previously made by a licensed child welfare
9 agency, if made within one year prior to the entry of the
10 judgment. Such report shall be treated as confidential and
11 withheld from inspection unless findings adverse to the
12 petitioners or to the child sought to be adopted are
13 contained therein, and in that event the court shall inform
14 the petitioners of the relevant portions pertaining to the
15 adverse findings. In no event shall any facts set forth in
16 the report be considered at the hearing of the proceeding,
17 unless established by competent evidence. The report shall be
18 filed with the record of the proceeding. If the file
19 relating to the proceeding is not impounded, the report shall
20 be impounded by the clerk of the court and shall be made
21 available for inspection only upon order of the court.

22 D. Related adoption. Such investigation shall not be
23 made when the petition seeks to adopt a related child or an
24 adult unless the court, in its discretion, shall so order. In
25 such an event the court may appoint a person deemed competent
26 by the court.

27 (Source: P.A. 91-429, eff. 1-1-00; 91-572, eff. 1-1-00;
28 91-740, eff. 6-2-00.)