

1 AN ACT concerning minors.

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

4 Section 5. The Juvenile Court Act of 1987 is amended by
5 changing Section 2-28 as follows:

6 (705 ILCS 405/2-28) (from Ch. 37, par. 802-28)

7 Sec. 2-28. Court review.

8 (1) The court may require any legal custodian or
9 guardian of the person appointed under this Act to report
10 periodically to the court or may cite him into court and
11 require him or his agency, to make a full and accurate report
12 of his or its doings in behalf of the minor. The custodian
13 or guardian, within 10 days after such citation, shall make
14 the report, either in writing verified by affidavit or orally
15 under oath in open court, or otherwise as the court directs.
16 Upon the hearing of the report the court may remove the
17 custodian or guardian and appoint another in his stead or
18 restore the minor to the custody of his parents or former
19 guardian or custodian. However, custody of the minor shall
20 not be restored to any parent, guardian or legal custodian in
21 any case in which the minor is found to be neglected or
22 abused under Section 2-3 or dependent under Section 2-4 of
23 this Act, unless the minor can be cared for at home without
24 endangering the minor's health or safety and it is in the
25 best interests of the minor, and if such neglect, abuse, or
26 dependency is found by the court under paragraph (1) of
27 Section 2-21 of this Act to have come about due to the acts
28 or omissions or both of such parent, guardian or legal
29 custodian, until such time as an investigation is made as
30 provided in paragraph (5) and a hearing is held on the issue
31 of the fitness of such parent, guardian or legal custodian to

1 care for the minor and the court enters an order that such
2 parent, guardian or legal custodian is fit to care for the
3 minor.

4 (2) The first permanency hearing shall be conducted by
5 the judge. Subsequent permanency hearings may be heard by a
6 judge or by hearing officers appointed or approved by the
7 court in the manner set forth in Section 2-28.1 of this Act.
8 The initial hearing shall be held (a) within 12 months from
9 the date temporary custody was taken, (b) if the parental
10 rights of both parents have been terminated in accordance
11 with the procedure described in subsection (5) of Section
12 2-21, within 30 days of the order for termination of parental
13 rights and appointment of a guardian with power to consent to
14 adoption, or (c) in accordance with subsection (2) of Section
15 2-13.1. Subsequent permanency hearings shall be held every 6
16 months or more frequently if necessary in the court's
17 determination following the initial permanency hearing, in
18 accordance with the standards set forth in this Section,
19 until the court determines that the plan and goal have been
20 achieved. Once the plan and goal have been achieved, if the
21 minor remains in substitute care, the case shall be reviewed
22 at least every 6 months thereafter, subject to the provisions
23 of this Section, unless the minor is placed in the
24 guardianship of a suitable relative or other person and the
25 court determines that further monitoring by the court does
26 not further the health, safety or best interest of the child
27 and that this is a stable permanent placement. The
28 permanency hearings must occur within the time frames set
29 forth in this subsection and may not be delayed in
30 anticipation of a report from any source or due to the
31 agency's failure to timely file its written report (this
32 written report means the one required under the next
33 paragraph and does not mean the service plan also referred to
34 in that paragraph).

1 The public agency that is the custodian or guardian of
2 the minor, or another agency responsible for the minor's
3 care, shall ensure that all parties to the permanency
4 hearings are provided a copy of the most recent service plan
5 prepared within the prior 6 months at least 14 days in
6 advance of the hearing. If not contained in the plan, the
7 agency shall also include a report setting forth (i) any
8 special physical, psychological, educational, medical,
9 emotional, or other needs of the minor or his or her family
10 that are relevant to a permanency or placement determination
11 and (ii) for any minor age 16 or over, a written description
12 of the programs and services that will enable the minor to
13 prepare for independent living. The agency's written report
14 must detail what progress or lack of progress the parent has
15 made in correcting the conditions requiring the child to be
16 in care; whether the child can be returned home without
17 jeopardizing the child's health, safety, and welfare, and if
18 not, what permanency goal is recommended to be in the best
19 interests of the child, and why the other permanency goals
20 are not appropriate. The caseworker must appear and testify
21 at the permanency hearing. If a permanency hearing has not
22 previously been scheduled by the court, the moving party
23 shall move for the setting of a permanency hearing and the
24 entry of an order within the time frames set forth in this
25 subsection.

26 At the permanency hearing, the court shall determine the
27 future status of the child. The court shall set one of the
28 following permanency goals:

29 (A) The minor will be returned home by a specific
30 date within 5 months.

31 (B) The minor will be in short-term care with a
32 continued goal to return home within a period not to
33 exceed one year, where the progress of the parent or
34 parents is substantial giving particular consideration to

1 the age and individual needs of the minor.

2 (B-1) The minor will be in short-term care with a
3 continued goal to return home pending a status hearing.
4 When the court finds that a parent has not made
5 reasonable efforts or reasonable progress to date, the
6 court shall identify what actions the parent and the
7 Department must take in order to justify a finding of
8 reasonable efforts or reasonable progress and shall set a
9 status hearing to be held not earlier than 9 months from
10 the date of adjudication nor later than 11 months from
11 the date of adjudication during which the parent's
12 progress will again be reviewed.

13 (C) The minor will be in substitute care pending
14 court determination on termination of parental rights.

15 (D) Adoption, provided that parental rights have
16 been terminated or relinquished.

17 (E) The guardianship of the minor will be
18 transferred to an individual or couple on a permanent
19 basis provided that goals (A) through (D) have been ruled
20 out.

21 (F) The minor over age 15 ±2 will be in substitute
22 care pending independence.

23 (G) The minor will be in substitute care because he
24 or she cannot be provided for in a home environment due
25 to developmental disabilities or mental illness or
26 because he or she is a danger to self or others, provided
27 that goals (A) through (D) have been ruled out.

28 In selecting any permanency goal, the court shall
29 indicate in writing the reasons the goal was selected and why
30 the preceding goals were ruled out. Where the court has
31 selected a permanency goal other than (A), (B), or (B-1), the
32 Department of Children and Family Services shall not provide
33 further reunification services, but shall provide services
34 consistent with the goal selected.

1 The court shall set a permanency goal that is in the best
2 interest of the child. The court's determination shall
3 include the following factors:

4 (1) Age of the child.

5 (2) Options available for permanence.

6 (3) Current placement of the child and the intent
7 of the family regarding adoption.

8 (4) Emotional, physical, and mental status or
9 condition of the child.

10 (5) Types of services previously offered and
11 whether or not the services were successful and, if not
12 successful, the reasons the services failed.

13 (6) Availability of services currently needed and
14 whether the services exist.

15 (7) Status of siblings of the minor.

16 The court shall consider (i) the permanency goal
17 contained in the service plan, (ii) the appropriateness of
18 the services contained in the plan and whether those services
19 have been provided, (iii) whether reasonable efforts have
20 been made by all the parties to the service plan to achieve
21 the goal, and (iv) whether the plan and goal have been
22 achieved. All evidence relevant to determining these
23 questions, including oral and written reports, may be
24 admitted and may be relied on to the extent of their
25 probative value.

26 If the goal has been achieved, the court shall enter
27 orders that are necessary to conform the minor's legal
28 custody and status to those findings.

29 If, after receiving evidence, the court determines that
30 the services contained in the plan are not reasonably
31 calculated to facilitate achievement of the permanency goal,
32 the court shall put in writing the factual basis supporting
33 the determination and enter specific findings based on the
34 evidence. The court also shall enter an order for the

1 Department to develop and implement a new service plan or to
 2 implement changes to the current service plan consistent with
 3 the court's findings. The new service plan shall be filed
 4 with the court and served on all parties within 45 days of
 5 the date of the order. The court shall continue the matter
 6 until the new service plan is filed. Unless otherwise
 7 specifically authorized by law, the court is not empowered
 8 under this subsection (2) or under subsection (3) to order
 9 specific placements, specific services, or specific service
 10 providers to be included in the plan.

11 A guardian or custodian appointed by the court pursuant
 12 to this Act shall file updated case plans with the court
 13 every 6 months.

14 Rights of wards of the court under this Act are
 15 enforceable against any public agency by complaints for
 16 relief by mandamus filed in any proceedings brought under
 17 this Act.

18 (3) Following the permanency hearing, the court shall
 19 enter a written order that includes the determinations
 20 required under subsection (2) of this Section and sets forth
 21 the following:

22 (a) The future status of the minor, including the
 23 permanency goal, and any order necessary to conform the
 24 minor's legal custody and status to such determination;
 25 or

26 (b) If the permanency goal of the minor cannot be
 27 achieved immediately, the specific reasons for continuing
 28 the minor in the care of the Department of Children and
 29 Family Services or other agency for short term placement,
 30 and the following determinations:

31 (i) (Blank).

32 (ii) Whether the services required by the
 33 court and by any service plan prepared within the
 34 prior 6 months have been provided and (A) if so,

1 whether the services were reasonably calculated to
 2 facilitate the achievement of the permanency goal or
 3 (B) if not provided, why the services were not
 4 provided.

5 (iii) Whether the minor's placement is
 6 necessary, and appropriate to the plan and goal,
 7 recognizing the right of minors to the least
 8 restrictive (most family-like) setting available and
 9 in close proximity to the parents' home consistent
 10 with the health, safety, best interest and special
 11 needs of the minor and, if the minor is placed
 12 out-of-State, whether the out-of-State placement
 13 continues to be appropriate and consistent with the
 14 health, safety, and best interest of the minor.

15 (iv) (Blank).

16 (v) (Blank).

17 Any order entered pursuant to this subsection (3) shall
 18 be immediately appealable as a matter of right under Supreme
 19 Court Rule 304(b)(1).

20 (4) The minor or any person interested in the minor may
 21 apply to the court for a change in custody of the minor and
 22 the appointment of a new custodian or guardian of the person
 23 or for the restoration of the minor to the custody of his
 24 parents or former guardian or custodian.

25 When return home is not selected as the permanency goal:

26 (a) The Department, the minor, or the current
 27 foster parent or relative caregiver seeking private
 28 guardianship may file a motion for private guardianship
 29 of the minor. Appointment of a guardian under this
 30 Section requires approval of the court.

31 (b) The State's Attorney may file a motion to
 32 terminate parental rights of any parent who has failed to
 33 make reasonable efforts to correct the conditions which
 34 led to the removal of the child or reasonable progress

1 toward the return of the child, as defined in subdivision
2 (D)(m) of Section 1 of the Adoption Act or for whom any
3 other unfitness ground for terminating parental rights as
4 defined in subdivision (D) of Section 1 of the Adoption
5 Act exists.

6 Custody of the minor shall not be restored to any parent,
7 guardian or legal custodian in any case in which the minor is
8 found to be neglected or abused under Section 2-3 or
9 dependent under Section 2-4 of this Act, unless the minor can
10 be cared for at home without endangering his or her health or
11 safety and it is in the best interest of the minor, and if
12 such neglect, abuse, or dependency is found by the court
13 under paragraph (1) of Section 2-21 of this Act to have come
14 about due to the acts or omissions or both of such parent,
15 guardian or legal custodian, until such time as an
16 investigation is made as provided in paragraph (5) and a
17 hearing is held on the issue of the health, safety and best
18 interest of the minor and the fitness of such parent,
19 guardian or legal custodian to care for the minor and the
20 court enters an order that such parent, guardian or legal
21 custodian is fit to care for the minor. In the event that
22 the minor has attained 18 years of age and the guardian or
23 custodian petitions the court for an order terminating his
24 guardianship or custody, guardianship or custody shall
25 terminate automatically 30 days after the receipt of the
26 petition unless the court orders otherwise. No legal
27 custodian or guardian of the person may be removed without
28 his consent until given notice and an opportunity to be heard
29 by the court.

30 When the court orders a child restored to the custody of
31 the parent or parents, the court shall order the parent or
32 parents to cooperate with the Department of Children and
33 Family Services and comply with the terms of an after-care
34 plan, or risk the loss of custody of the child and possible

1 termination of their parental rights. The court may also
2 enter an order of protective supervision in accordance with
3 Section 2-24.

4 (5) Whenever a parent, guardian, or legal custodian
5 files a motion for restoration of custody of the minor, and
6 the minor was adjudicated neglected, abused, or dependent as
7 a result of physical abuse, the court shall cause to be made
8 an investigation as to whether the movant has ever been
9 charged with or convicted of any criminal offense which would
10 indicate the likelihood of any further physical abuse to the
11 minor. Evidence of such criminal convictions shall be taken
12 into account in determining whether the minor can be cared
13 for at home without endangering his or her health or safety
14 and fitness of the parent, guardian, or legal custodian.

15 (a) Any agency of this State or any subdivision
16 thereof shall co-operate with the agent of the court in
17 providing any information sought in the investigation.

18 (b) The information derived from the investigation
19 and any conclusions or recommendations derived from the
20 information shall be provided to the parent, guardian, or
21 legal custodian seeking restoration of custody prior to
22 the hearing on fitness and the movant shall have an
23 opportunity at the hearing to refute the information or
24 contest its significance.

25 (c) All information obtained from any investigation
26 shall be confidential as provided in Section 5-150 of
27 this Act.

28 (Source: P.A. 90-27, eff. 1-1-98; 90-28, eff. 1-1-98; 90-87,
29 eff. 9-1-97; 90-590, eff. 1-1-99; 90-608, eff. 6-30-98;
30 90-655, eff. 7-30-98; 91-357, eff. 7-29-99.)

31 Section 10. The Adoption Act is amended by changing
32 Section 10 as follows:

1 (750 ILCS 50/10) (from Ch. 40, par. 1512)

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

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

6 FINAL AND IRREVOCABLE CONSENT TO ADOPTION

7 I,, (relationship, e.g., mother, father, relative,
8 guardian) of, a ..male child, state:

9 That such child was born on at

10 That I reside at, County of and State of

11 That I am of the age of years.

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

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

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

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

25 Dated (insert date).

26

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

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

32 CONSENT TO ADOPTION OF UNBORN CHILD

33 I,, state:

34 That I am the father of a child expected to be born on or

1 about to (name of mother).

2 That I reside at County of, and State of

3 That I am of the age of years.

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

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

9 That I wish to and do understand that by signing this
10 consent I do irrevocably and permanently give up all custody
11 and other parental rights I have to such child, except that I
12 have the right to revoke this consent by giving written
13 notice of my revocation not later than 72 hours after the
14 birth of the child.

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

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

22 Dated (insert date).

23

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

32 FINAL AND IRREVOCABLE CONSENT
33 TO STANDBY ADOPTION

34 I, ..., (relationship, e.g. mother or father) of, a

1 ..male child, state:

2 That the child was born on at

3 That I reside at, County of, and State of

4 That I am of the age of years.

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

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

10 That (I am terminally ill) (the child's other parent is
11 terminally ill).

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

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

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

30 I understand that this consent to standby adoption is
31 valid only if the petition for standby adoption is filed and
32 that if (specified person or persons), for any
33 reason, cannot or will not file a petition for standby
34 adoption or if his, her, or their petition for standby

1 adoption is denied, then this consent is void. I have the
2 right to notice of any other proceeding that could affect my
3 parental rights.

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

6 Dated (insert date).

7

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

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

15 If (specified persons) obtain a judgment of
16 dissolution of marriage before the judgment for adoption is
17 entered, then (specified person) shall adopt my child.
18 I understand that I cannot change my mind and revoke this
19 consent or obtain or recover custody of my child if
20 (specified persons) obtain a judgment of dissolution of
21 marriage and (specified person) adopts my child. I
22 understand that I cannot change my mind and revoke this
23 consent if (specified persons) obtain a judgment of
24 dissolution of marriage before the adoption is final. I
25 understand that this consent to adoption has no effect on who
26 will get custody of my child if (specified persons)
27 obtain a judgment of dissolution of marriage after the
28 adoption is final. I understand that if either
29 (specified persons) dies before the petition to adopt my
30 child is granted, then the surviving person may adopt my
31 child. I understand that I cannot change my mind and revoke
32 this consent or obtain or recover custody of my child if the
33 surviving person adopts my child.

34 A consent to standby adoption by specified persons on

1 this form shall have no effect on a court's determination of
2 custody or visitation under the Illinois Marriage and
3 Dissolution of Marriage Act if the marriage of the specified
4 persons is dissolved before the adoption is final.

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

8 STATE OF)

9) SS.

10 COUNTY OF)

11 I, (name of Judge or other person)
12 (official title, name, and address), certify that,
13 personally known to me to be the same person whose name is
14 subscribed to the foregoing Final and Irrevocable Consent to
15 Standby Adoption, appeared before me this day in person and
16 acknowledged that (she) (he) signed and delivered the consent
17 as (her) (his) free and voluntary act, for the specified
18 purpose.

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

29 Dated (insert date).

30 Signature.....

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

1 (a) the specified person or persons do not file a
2 petition for standby adoption of the child; or

3 (b) a court denies the standby adoption petition.

4 The parent shall not need to take further action to
5 revoke the consent if the standby adoption by the specified
6 person or persons does not occur, notwithstanding the
7 provisions of Section 11 of this Act.

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

13 FINAL AND IRREVOCABLE SURRENDER

14 FOR PURPOSES OF ADOPTION

15 I, (relationship, e.g., mother, father, relative,
16 guardian) of, a ..male child, state:

17 That such child was born on, at

18 That I reside at, County of, and State of

19 That I am of the age of years.

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

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

1 and anaesthesia for such child.

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

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

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

11 Dated (insert date).

12

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

18 SURRENDER OF UNBORN CHILD FOR
19 PURPOSES OF ADOPTION

20 I, (father), state:

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

23 That I reside at, County of, and State of

24 That I am of the age of years.

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

34 That I hereby grant to the Agency full power and

1 authority to place such child with any person or persons it
 2 may in its sole discretion select to become the adopting
 3 parent or parents and to consent to the legal adoption of
 4 such child by such person or persons; and to take any and all
 5 measures which, in the judgment of the Agency, may be for the
 6 best interests of such child, including authorizing medical,
 7 surgical and dental care and treatment, including inoculation
 8 and anaesthesia for such child.

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

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

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

21 Dated (insert date).
 22

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

26 CONSENT

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

28 That I reside at, County of and State of

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

31 Dated (insert date).
 32

33 F. The form of consent required for the adoption of a
 34 child of the age of 14 years or upwards, or of an adult, to

1 be given by such person, shall be substantially as follows:

2 CONSENT

3 I,, state:

4 That I reside at, County of and State of

5 That I am of the age of years. That I consent and agree
6 to my adoption by and

7 Dated (insert date).

8

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

17 H. A consent (other than that given by an agency, or
18 guardian of the person of the child sought to be adopted
19 appointed by a court of competent jurisdiction) shall be
20 acknowledged by a parent before the presiding judge of the
21 court in which the petition for adoption has been, or is to
22 be filed or before any other judge or hearing officer
23 designated or subsequently approved by the court, or the
24 circuit clerk if so authorized by the presiding judge or,
25 except as otherwise provided in this Act, before a
26 representative of the Department of Children and Family
27 Services or a licensed child welfare agency, or before social
28 service personnel under the jurisdiction of a court of
29 competent jurisdiction, or before social service personnel of
30 the Cook County Department of Supportive Services designated
31 by the presiding judge.

32 I. A surrender, or any other document equivalent to a
33 surrender, by which a child is surrendered to an agency shall
34 be acknowledged by the person signing such surrender, or

1 other document, before a judge or hearing officer or the
 2 clerk of any court of record, either in this State or any
 3 other state of the United States, or before a representative
 4 of an agency or before any other person designated or
 5 approved by the presiding judge of the court in which the
 6 petition for adoption has been, or is to be, filed.

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

10 STATE OF)

11) SS.

12 COUNTY OF ...)

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

21 I have fully explained that by signing such (consent)
 22 (surrender) (she) (he) is irrevocably relinquishing all
 23 parental rights to such child or adult and (she) (he) has
 24 stated that such is (her) (his) intention and desire.

25 Dated (insert date).

26 Signature

27 K. When the execution of a consent or a surrender is
 28 acknowledged before someone other than a judge or the clerk
 29 of a court of record, such other person shall have his
 30 signature on the certificate acknowledged before a notary
 31 public, in form substantially as follows:

32 STATE OF)

33) SS.

34 COUNTY OF ...)

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

8 Dated (insert date).

9 Signature Notary Public
 10 (official seal)

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

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

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

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

30 O. (1) The parent or parents of a child in whose
 31 interests a petition under Section 2-13 of the Juvenile Court
 32 Act of 1987 is pending may, with the approval of the
 33 designated representative of the Department of Children and
 34 Family Services, execute a consent to adoption by a specified

1 person or persons:

2 (a) in whose physical custody the child has resided
3 for at least 6 months ~~one-year~~; or

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

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

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

14 (2) The consent to adoption by a specified person or
15 persons shall have the caption of the proceeding in which it
16 is to be filed and shall be substantially as follows:

17 FINAL AND IRREVOCABLE CONSENT TO ADOPTION BY

18 A SPECIFIED PERSON OR PERSONS

19 I,, the
20 (mother or father) of amale child,
21 state:

22 1. My child (name of
23 child) was born on (insert date) at
24 Hospital in County, State of
25

26 2. I reside at, County of
27 and State of

28 3. I,, am years
29 old.

30 4. I enter my appearance in this action to adopt my
31 child by the person or persons specified herein by me and
32 waive service of summons on me in this action only.

33 5. I consent to the adoption of my child by
34 (specified person or

1 persons) only.

2 6. I wish to sign this consent and I understand
3 that by signing this consent I irrevocably and
4 permanently give up all parental rights I have to my
5 child if my child is adopted by
6 (specified person or
7 persons).

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

16 8. I understand that this consent to adoption is
17 valid only if the petition to adopt is filed within one
18 year from the date that I sign it and that if
19 (specified person or persons),
20 for any reason, cannot or will not file a petition to
21 adopt my child within that one year period or if their
22 adoption petition is denied, then this consent will be
23 voidable after one year upon the timely filing of my
24 motion. If I file this motion before the filing of the
25 petition for adoption, I understand that the court shall
26 revoke this specific consent void. I have the right to
27 notice of any other proceeding that could affect my
28 parental rights, except for the proceeding for
29 (specified person or persons) to adopt my
30 child.

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

33 Dated (insert date).

34

1 Signature of parent

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

5 10. If (specified persons) get a
6 divorce before the petition to adopt my child is granted,
7 then (specified person) shall adopt my child.
8 I understand that I cannot change my mind and revoke this
9 consent or obtain or recover custody over my child if
10 (specified persons) divorce and
11 (specified person) adopts my child. I
12 understand that I cannot change my mind and revoke this
13 consent or obtain or recover custody over my child if
14 (specified persons) divorce after the
15 adoption is final. I understand that this consent to
16 adoption has no effect on who will get custody of my
17 child if they divorce after the adoption is final.

18 11. I understand that if either
19 (specified persons) dies before the petition to adopt my
20 child is granted, then the surviving person can adopt my
21 child. I understand that I cannot change my mind and
22 revoke this consent or obtain or recover custody over my
23 child if the surviving person adopts my child.

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

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

32 STATE OF.....)

33) SS.

34 COUNTY OF.....)

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

10 I have fully explained that this consent to adoption is
 11 valid only if the petition to adopt is filed within one year
 12 from the date that it is signed, and that if the specified
 13 person or persons, for any reason, cannot or will not adopt
 14 the child or if the adoption petition is denied, then this
 15 consent will be voidable after one year upon the timely
 16 filing of a motion by the parent to revoke the consent. I
 17 explained that if this motion is filed before the filing of
 18 the petition for adoption, the court shall revoke this
 19 specific consent void. I have fully explained that if the
 20 specified person or persons adopt the child, by signing this
 21 consent this parent (she)(he) is irrevocably and permanently
 22 relinquishing all parental rights to the child, and this
 23 parent (she)(he) has stated that such is (her)(his) intention
 24 and desire.

25 Dated (insert date).
 26
 27 Signature

28 (5) If a consent to adoption by a specified person or
 29 persons is executed in this form, the following provisions
 30 shall apply. The consent shall be valid only if that
 31 specified person or persons adopt the child. The consent
 32 shall be voidable after one year void if:

33 (a) the specified person or persons do not file a
 34 petition to adopt the child within one year after the

1 consent is signed and the parent files a timely motion to
2 revoke this consent. If this motion is filed before the
3 filing of the petition for adoption the court shall
4 revoke this consent; or

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

6 (c) the Department of Children and Family Services
7 Guardianship Administrator determines that the specified
8 person or persons will not or cannot complete the
9 adoption, or in the best interests of the child should
10 not adopt the child.

11 Within 30 days of the consent becoming void, the
12 Department of Children and Family Services Guardianship
13 Administrator shall make good faith attempts to notify the
14 parent in writing and shall give written notice to the court
15 and all additional parties in writing that the adoption has
16 not occurred or will not occur and that the consent is void.
17 If the adoption by a specified person or persons does not
18 occur, no proceeding for termination of parental rights shall
19 be brought unless the biological parent who executed the
20 consent to adoption by a specified person or persons has been
21 notified of the proceeding pursuant to Section 7 of this Act
22 or subsection (4) of Section 2-13 of the Juvenile Court Act
23 of 1987. The parent shall not need to take further action to
24 revoke the consent if the specified adoption does not occur,
25 notwithstanding the provisions of Section 11 of this Act.

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

29 (7) The Department shall collect and maintain data
30 concerning the efficacy of specific consents. This data
31 shall include the number of specific consents executed and
32 their outcomes, including but not limited to the number of
33 children adopted pursuant to the consents, the number of
34 children for whom adoptions are not completed, and the reason

1 or reasons why the adoptions are not completed.

2 (Source: P.A. 90-608, eff. 6-30-98; 90-655, eff. 7-30-98;

3 91-357, eff. 7-29-99; 91-572, eff. 1-1-00.)