

ADOPTIVE PARENTS' RIGHTS AND RESPONSIBILITIES IN ILLINOIS

This document does not constitute legal advice. Legal advice is dependent on the specific circumstances of each situation and jurisdiction. The information in this document is an overview and does not cover all cases or facets of adoption law in Illinois. It cannot replace the advice of an attorney licensed in your state.

Illinois has progressive adoption laws that protect the rights of birth parents and adoptive parents. Prior to paying any agency fees, adoptive parents who are using the services of an adoption agency in Illinois must receive this document from their caseworker as soon as is reasonably practical after meeting with an agency worker. Adoptive parents may take this document home to read in private prior to reviewing it with a worker from the agency.

This document provides adoptive parents with information regarding their choices, rights and responsibilities as they relate to adopting a child in Illinois. The information generally refers to the rights of adoptive parents in agency-assisted and private Illinois adoptions, and does not refer to situations involving adoptions that go through the child welfare system and the Juvenile Court. While much of the information contained in this document is applicable, prospective adoptive parents who are providing long term foster care and who are considering adoption should seek the assistance of their caseworkers and their attorneys.

The different ways to adopt a child are to:

- 1) adopt domestically through an adoption agency that is licensed in Illinois or elsewhere in the U.S. (an 'agency assisted adoption');
- 2) work with an adoption agency that is licensed in Illinois or elsewhere in the U.S. to adopt internationally (an 'international or intercountry adoption'); or
- 3) work with an adoption attorney to adopt domestically (a 'private adoption'; other states may or may not be involved); or
- 4) become a licensed foster parent and provide long term foster care for a child who has been removed from his or her parents due to abuse, neglect or dependence. If the child cannot return home to his or her birth parents, the placement will likely convert to an adoption.

Note: No agency or attorney can guarantee in advance that you will be approved as an adoptive parent, that a child will be placed with you or that if a child is placed with you that you will be ultimately approved by the court as an adoptive parent.

RIGHTS OF ADOPTIVE PARENTS

ADOPTIVE PARENTS WORKING WITH AN ILLINOIS ADOPTION AGENCY HAVE MANY RIGHTS, INCLUDING THE RIGHT TO:

1. Be treated with respect and dignity.

Adoptive Parent(s) Initials _____/_____

Witness Initials _____

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2. Make decisions free from pressure or coercion, including your decision to accept or reject the placement of a particular child.
3. Be informed of the rights of birth parents.
4. Receive a written schedule of agency fees and refund policies as well as a copy of the agency's annual report.

Note: An agency may not require you to make a donation, or increase its fees without notice. Agencies may not charge additional fees and expenses beyond those disclosed in the adoption fee schedule unless additional fees are reasonably required by the circumstances and you are informed of them before they are incurred. In addition, an agency may not charge excessive fees and they must be based on services provided to adoptive families and to birth parents.

5. Know whether or not the agency will provide you with a copy of your home study. Adoptive parents also have the right to request a transfer of their foster parent licensing or home study file to another agency and the right to expect that the transfer be made in a timely manner.
6. For the adoption of a child born in Illinois, receive in writing, no later than the date of placement, non-identifying information (if known) concerning the child and his or her birth family to be placed with you for adoption, including the:
 - Date and place of birth of the child; immunization records; and conditions or diseases believed to be hereditary;
 - Drugs or medications taken by the child's biological mother during pregnancy;
 - Psychological and psychiatric information known about the child and birth family;
 - Any other information that may be a factor influencing the child's present or future physical, mental or emotional health;
 - Information on previous placements, if any, and reasons for placement changes, excluding identifying information on previous caregivers;
 - Any known behavioral information about the child necessary to care for the child and other children in your home;
 - Age, general physical appearance, ethnic background, race, religion, education, occupations, hobbies, interests and talents of each of the biological parents;
 - Existence of any other children born to the biological parents;
 - Information about biological grandparents; reason for emigrating into the United States, if applicable, and country of origin;
 - Relationship between biological parents;
 - Detailed medical and mental health histories of the child, the biological parents, and members of their immediate families;
 - In the case of emergency placements, known information may be provided verbally, but subsequently must be provided in writing;
 - Information learned by the agency between the time of placement and the time of the adoption finalization as it is acquired;

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Note: If you are adopting a child from another country, the availability of the abovementioned information will be limited. If you are adopting a child born in another State, you should receive all known background information and birth records.

7. Adoptive parents may view supporting documentation in the child's file in the presence of casework staff at the Illinois agency, but may not have access to identifying or personal information about other people. Adoptive parents should be advised by the adoption agency if certain information about birth family members is not provided due to confidentiality protections under federal law.
8. Training that includes counseling and guidance for ensuring a successful adoption. You must complete the training within the time frame required by your agency.
9. Confidentiality of your identifying information (unless otherwise required by Illinois law or court order).
10. Seek medical, emotional and social work advice from independent resources prior to accepting the placement of a particular child.
11. If you are adopting domestically, you can ask to participate in an open or closed adoption with your adopted child's birth parents and ask to meet them prior to placement; or to choose another agency if your request cannot be honored. Any agreement or promises regarding plans to have contact with the birth parents of your child or receive information after the finalization of the adoption cannot be enforced under Illinois law.

AS AN ADOPTIVE PARENT WORKING WITH AN ATTORNEY TOWARD A PRIVATE ADOPTION, YOU HAVE THE RIGHT TO:

1. Receive information regarding legal fees, expenses and refund policies.
2. Inquire about the attorney's license and status. You may access this information by calling the Illinois Attorney Registration and Disciplinary Commission at 800-826-8625 or 312-565-2600 or accessing its website at www.iardc.org. Another resource is the American Academy of Adoption Attorneys website: www.adoptionattorneys.org/ or telephone at 202/832-2222.
3. Ask about and expect that your attorney have experience in adoption law.
4. Inquire about any conflict of interest that would affect the attorney's representation of you. An attorney may not represent both the birth parents and the adoptive parents at the same time. Similarly, you should inquire about the attorney's relationship with any agencies with which you have worked.
5. Ask your attorney to explain to you the parameters of confidentiality of the private information you disclose to your attorney.

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Note: Illinois laws do not permit an attorney to be paid to provide adoption services.

- Adoption services are defined as: arranging for the placement of a child, identifying a child for adoption, matching adoptive parents with biological parents, arranging or facilitating an adoption, taking or acknowledging consents or surrenders.
- Licensed attorneys may provide and charge for legal services related to the adoption. For example, fees may be charged to appear in court on your behalf or provide you with legal advice.

RESPONSIBILITIES OF ADOPTIVE PARENTS

As an adoptive parent, it is your responsibility to:

- Work cooperatively and honestly with the entity handling your adoption.
- Disclose if you have ever been the subject of an unfavorable home study or if you have ever withdrawn an application from an agency.
- Pay the agreed-upon fees promptly.
- Obtain the express permission of the agency that developed a "review only" home study before forwarding the study to other agencies.
- Keep your agency informed of new pertinent information about your family.
- Receive permission from the agency with which you are licensed before you accept a child being placed by another agency into your home.
- Cooperate in obtaining the required training on adoption related issues.
- Be cooperative with post-placement monitoring and support.
- If you are transferring your foster parent license from one agency to another, you are responsible for arranging for the original agency to send the home study directly to the subsequent adoption agency.

REQUIREMENTS FOR LICENSED ADOPTION AGENCIES

1. This document shall be utilized in all agency-assisted adoptions in Illinois, **except in cases in which there is a pending Juvenile Court case** relating to the child being placed for adoption
2. The Department of Children and Family Services must license any agency providing adoption services in Illinois.
 - The agency must be recognized by the IRS as a charitable organization under section 501(c) 3 of the Internal Revenue Code.
 - Only adoption agencies that are licensed may receive payment or compensation for providing adoption services or advertise their services. (Adoptive parents may advertise on their own behalf.)
 - DCFS will not issue or renew the license of an adoption agency unless it is already or has achieved 501(c)(3) status, as recognized by the Internal Revenue code, by August 15, 2007.

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3. Before you submit an application to an adoption agency that is providing adoption services in Illinois, the agency must provide you with its estimated fees, its refund and grievance policies and procedures in writing.
4. Before you enter into a contract or agreement with an Illinois adoption agency, the agency must provide you with a description, in writing, of its adoption services, policies and practices, and general eligibility criteria, including:
 - a. Verification of its current licenses and certifications;
 - b. Description of the agency’s philosophy and/or religious affiliation;
 - c. Content of the home study, preparation and licensing process, general training hours required and description of the home study process;
 - d. Any policy, requirements or situation that would affect the placement of a child with you;
 - e. Expected waiting period for the placement of a child with you;
 - f. How background information about the child is gathered and in what form it is shared; and
 - g. The post-placement process and the requirements for the finalization of your adoption.
5. This document shall be read aloud in its entirety to the adoptive parent(s) by an agency employee and shall be provided to them in writing in their preferred language.
6. The adoptive parent(s) and a witness from the agency must initial each page.
7. After it is signed and dated, a copy of this document shall be provided to the adoptive parent(s), and the original shall be maintained in the adoption agency’s client file.

RESOURCES

THE ILLINOIS DCFS LICENSED ADOPTION AGENCY WEBSITE

This website provides information on all the adoption agencies in Illinois. The “Summary of Illinois Licensed Adoption Agencies” document provides a basic overview of all agencies, including contact information regarding each agency’s DCFS licensing representative. www.state.il.us/dcfs/adoption/agencies/default.html

THE ILLINOIS ADOPTION REGISTRY AND MEDICAL INFORMATION EXCHANGE

Your agency should offer you information about the Illinois Adoption Registry, which provides a means by which registrants may authorize or prohibit the release of identifying information, including a copy of the adopted person's original birth certificate, to others involved in their surrender or adoption. Confidential facts may be released to registrants only after at least two specified parties to the adoption have each filed an explicit mutual consent for the exchange of this information.

Website: www.idph.state.il.us/vitalrecords/adoptioninfo.htm or telephone 877-323-5299

THE ILLINOIS CONFIDENTIAL INTERMEDIARY PROGRAM

The DCFS Confidential Intermediary Program provides a way for adoptees, adoptive parents, birth parents and other birth relatives to connect. A Confidential Intermediary (CI), who is trained and certified by DCFS to provide this service, is appointed by the Court to locate the sought-after relative. When the relative is located, the CI explains the reason for the contact, describes the options available and helps facilitate a mutually agreeable outcome. The CI protects each person’s privacy and confidentiality until/unless both decide to have direct contact. Website: www.ci-illinois.org or telephone 847-298-9096

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DCFS ADOPTION ASSISTANCE/SUBSIDIES FOR NON-WARD SPECIAL NEEDS CHILDREN:

For special needs children who are not wards of the Illinois Department of Children and Family Services, the Department will provide subsidies if the ward meets the necessary criteria. If you adopt a child who is eligible for supplemental security income (SSI), or who meets other special needs criteria, your child may be subsidy eligible. If you are working with an agency, check with your caseworker.

Website www.state.il.us/dcf or telephone 800-232-3798

NORTH AMERICAN COUNCIL ON ADOPTABLE CHILDREN (NACAC)

Website: www.nacac.org/

970 Raymond Avenue, Suite 106

St. Paul, MN 55114

Telephone: 651-644-3036

CHILD WELFARE INFORMATION GATEWAY

A division of the Children's Bureau, Administration for Children and Families, U.S. Department of Health and Human Services website: www.childwelfare.gov/

SIGNATURES:

Adoptive Parents:

Adoptive Parent's Printed Name

Adoptive Parent's Signature

Date

Adoptive Parent's Printed Name

Adoptive Parent's Signature

Date

Witness's Printed Name

Witness's Signature

Date

Agency:

Printed Agency Name

Authorized Representative's Printed Name

Authorized Representative's Signature

Date

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Witness Initials _____