

## 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.*

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 private agency 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 considering adoption should seek the assistance of their caseworkers and their attorneys.

### RIGHTS OF ADOPTIVE PARENTS

As an Adoptive Parent in the State of Illinois, you have the right:

1. To be treated with dignity and respect.
2. To make decisions free from pressure or coercion, including your decision to accept or reject the placement of a particular child.
3. To be informed of the rights of birth parents.
4. To 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. To know if the agency will provide you with a copy of your home study. Adoptive parents also have the right to request a transfer of their home study file to another agency and the right to expect that the transfer be made in a timely manner.
6. To receive in writing, no later than the date of placement, non-identifying information (if known) concerning the child and his or her birth family (for a child born in Illinois, which will 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;

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- 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;
- 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.

**Note:** If you are adopting a child from another country, the availability of the abovementioned information may be more limited. If you are adopting a child born in another State, you should receive all known background information and birth records, however, that may vary by state.

7. To view supporting documentation in the child's file in the presence of staff at the Illinois agency, but you 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. To receive 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. To confidentiality of your identifying information (unless otherwise required by Illinois law or court order).
10. To seek medical, emotional and social work advice from independent resources prior to accepting the placement of a particular child.
11. To ask in a domestic adoption, 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.

## **RESPONSIBILITIES OF ADOPTIVE PARENTS**

12. As an adoptive parent, it is your responsibility to:
- Work cooperatively and honestly with the agency handling your adoption, including your duty to disclose information requested by the 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 original agency which wrote your current home study before you accept a child being placed by a subsequent adoption agency into your home.
  - Cooperate in obtaining the required training on adoption related issues.
  - Cooperate with post-placement monitoring and support.
  - Arrange for the original agency to send your home study directly to the subsequent adoption agency, if you are transferring your home study from one agency to another.

## **REQUIREMENTS FOR LICENSED ADOPTION AGENCIES**

13. Any agency providing adoption services in Illinois must be licensed by DCFS.
- 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 advertise their services or may receive payment or compensation for providing adoption services. (Adoptive parents may advertise on their own behalf.)

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.

14. 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, documentation requirements, 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 before a child may be placed 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.
15. This document shall be provided to you in writing in your preferred language.
16. 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.
17. How you can find information about licensed agencies: The DCFS website provides information on all the licensed adoption agencies in Illinois at the following link:  
[https://www.illinois.gov/dcf/lovinghomes/adoption/agencies/Pages/a\\_adoption\\_la.aspx](https://www.illinois.gov/dcf/lovinghomes/adoption/agencies/Pages/a_adoption_la.aspx)

**SHARING INFORMATION AND CONNECTING IN THE FUTURE**

- 18. The birth parent(s) have the right to voluntarily share medical, background and identifying information, including information on the child’s original birth certificate. This can be done through the Illinois Adoption Registry and Medical Information Exchange and/or through the birth parent completing a Birth Parent Preference Form. Please visit <http://www.dph.illinois.gov> and search for adoption or [www.newillinoisadoptionlaw.com](http://www.newillinoisadoptionlaw.com), or call (217) 782-6554 or (877)323-5299.

You, as the adoptive parent have the right to share information about yourself. In addition, the Confidential Intermediary program provides a way for a court appointed person to connect and/or provide information between adoptees, adoptive parents and birth parents and other biological family members provided mutual consent is given. Please visit [www.ci-illinois.org](http://www.ci-illinois.org) or call (800) 526-9022 x29.

**How you can obtain an adoption subsidy for special needs children.**

- 19. For special needs children who are not in the care of the Illinois Department of Children and Family Services, the Department will provide an adoption subsidy if the child meets the necessary criteria. If the child you are adopting is eligible for supplemental security income (SSI), or meets other special needs criteria, he or she may be subsidy eligible. The adoptive parents must be residents of Illinois and the adoption subsidy must be approved by DCFS before the adoption is finalized. Discuss this with your agency and your adoption attorney. Website: [www.DCFS.illinois.gov](http://www.DCFS.illinois.gov) or call the DCFS Adoption Unit at (312)808-5250.

**SIGNATURES:**

**Adoptive Parents:**

Adoptive Parent’s Printed Name	Adoptive Parent’s Signature	Date
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Adoptive Parent’s Printed Name	Adoptive Parent’s Signature	Date
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**Agency:**

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Printed Agency Name

Authorized Representative’s Printed Name	Authorized Representative’s Signature	Date
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