

## Liability Disclaimer

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# ADOPTION

Adoption is a legal procedure which establishes a new family relationship between the adopting parents and the child who is being adopted. After the completion of the adoption process, the adopting parents have the same rights, duties and responsibilities to the child as the birth-parents would have had.

Some general rules apply to adoption proceedings. A single or divorced person, or a couple (unmarried or same-sex) can adopt a child. However, if the adopting persons are married, both the husband and wife must join in the petition unless they have been separated for over a year. A child who is over the age of fourteen years must agree to being adopted.

The adoption usually requires that the parent(s) asking for the adoption, and the child or children to be adopted appear before a judge one time, usually when the Petition for Adoption is filed. At that court appearance, if everything is in order, the judge will enter an interim, or temporary, order of custody in favor of the adopting parent(s). When the adoption is ready to be finalized, the lawyer will present the proper documents to the judge, who will enter a judgment of adoption. In most cases neither the parents nor the children need to be present at that time.

After completion of the adoption, a new birth certificate is normally issued for the child. The new birth record will show the adoptive parent(s) as if they were the parent(s) at the time of birth of the child. The original birth certificate is placed into a sealed file that can be examined only with the permission of a judge.

There are different kinds of adoptions, as described below:

## RELATED ADOPTIONS

IN A RELATED ADOPTION, at least one of the adoptive parents is related by blood or marriage to the child. For example, sometimes the birth-mother and father of the child are divorced from each other and the mother has remarried and wished to adopt the child with her new husband. The birth-father of the child must either consent to the adoption or a judge must find him to be unfit for a reason listed in the adoption law. Among those reasons are the failure of the parent to show a reasonable degree of interest, concern or responsibility as to the welfare of the child, or the abandonment of the child by the birth-parent.

Other related adoptions include adoptions by grandparents, uncles and aunts, or brothers or sisters. No agency needs to be involved in this kind of adoption.

## **AGENCY ADOPTIONS**

AGENCIES WHICH ARE LICENSED BY THE STATE OF ILLINOIS MAY PLACE CHILDREN FOR ADOPTION with parents who have been licensed as foster parents to take children into their homes. The agency will interview the parents and examine their home before placing a child with them. It is not necessary to be rich or to have a large home in order to become a foster parent and be eligible to adopt a child. The commitment and love of the applicants are the most important factors which are considered. The needs of the child are always carefully considered by the agency in choosing a home for a child.

When a birth-parent decides to place a child for adoption with an agency, that parent signs a document which surrenders (gives) the child to the agency to allow the child to be placed in the home of adoptive parents. The surrender signed by a natural parent ends that parent's legal relationship to the child. If only one parent signs, the document, a judge has to find that the other parent is unfit before that parent's rights can be terminated. In many cases, instead of filing a general surrender, a natural parent will sign a "specific consent" which allows only a person named by the parent to adopt the child.

The adopting parents can file their petition with the court soon after they get the child, and they will go before a judge at that time, who will enter an "interim" (temporary) order of custody. However, before the final order which completes the adoption process is entered the child is usually in the home of the adoptive parents for at least six months. This period is designed to ensure that the new relationship is successful. If the adjustment is not satisfactory, or if the adoptive parents do not wish to complete the adoption, the agency will remove the child from the original adoptive home and make a new adoptive plan for the child.

## **UNRELATED NON-AGENCY ADOPTIONS**

UNRELATED ADOPTIONS are when the child is adopted by a person (or persons) who are not related to the child. Although no state licensed agency is involved in making the placement, an investigation of the home has to be done by an authorized agency after the Petition for Adoption is filed with the Court. Adopting parents are not permitted to pay any money to the parents in return for their agreement to the adoption. Only if they get a court order allowing them to do so, can the adoptive parents pay for the reasonable living expenses of the biological parents during the pregnancy, and for the month following the birth.

In most cases, the birth-mother of the child must consent (agree) to the adoption. Her consent is not valid unless it is given at least three days after the child's birth. This is to guarantee that she has had time to recover from the stress of the birth process. Once a parent consents to the adoption of the child, and the consent is properly witnessed by a judge or authorized agency, the consent cannot be revoked. The biological father of the child must also either consent to the adoption or be found to be an unfit person whose consent is not necessary.

This adoption will not be completed until six months after the child has been in the home of the adoptive parents. This period is to ensure that the home is suitable for the child and that the physical and emotional needs of the child are being met.

## **FOREIGN ADOPTIONS**

FOREIGN ADOPTIONS are becoming quite common. Usually, there is an adoption in the child's country of birth, which is often arranged through an agency. After the child is brought to this state, there is another adoption done under the Illinois law, which also requires that an agency investigate the home.

## **ADULT ADOPTIONS**

ADULTS can be adopted in Illinois. One of the adopting parents must be related to the person being adopted or else the person being adopted must have lived in the home of the adopting parents for at least two consecutive years and the adult must consent to being adopted.

## **ILLINOIS ADOPTION ACT**

Adoptions in Illinois are regulated by the Illinois Adoption Act, which outlines the procedures which must be followed and the rights of all of the people involved in the adoption.

Following the law is the key to a successful adoption. As soon as would-be parents decide that they wish to adopt, they should consult with their attorney. He or she will prepare the necessary legal papers and represent the adoptive parents in the court proceedings.

For information concerning licensed agencies or a list of such agencies, contact the Illinois Department of Children and Family Services at the Regional Office nearest you, or call the Illinois Adoption Center at 1(800)572-2390.