

AN ACT concerning families.

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

Section 5. The Adoption Act is amended by changing Sections 18.04, 18.05, 18.06, 18.1, 18.1a, 18.1b, 18.2, 18.3, and 18.3a as follows:

(750 ILCS 50/18.04)

Sec. 18.04. The Illinois Adoption Registry and Medical Information Exchange; legislative intent. The General Assembly recognizes the importance of creating a procedure by which mutually consenting adult members of birth and adoptive families, ~~adoptive parents and legal guardians of adopted and surrendered children~~, and adult adopted or surrendered persons may voluntarily exchange vital medical information throughout the life of the adopted or surrendered person. The General Assembly supports public policy that requires explicit mutual consent prior to the release of confidential information. The General Assembly further recognizes that it is in the best interest of adopted and surrendered persons that birth family medical histories and the preferences regarding contact of all parties to an adoption be compiled, preserved and provided to mutually consenting members of birth and adoptive families. ~~adoptive parents and legal guardians of adopted or surrendered children and to adult adopted or surrendered persons and their birth parents and siblings. The purpose of this amendatory Act of 1999 is to respond to these concerns by enhancing the Adoption Registry and creating the voluntary Medical Information Exchange.~~

(Source: P.A. 91-417, eff. 1-1-00.)

(750 ILCS 50/18.05)

Sec. 18.05. The Illinois Adoption Registry and Medical

Information Exchange.

(a) General function. Subject to appropriation, the Department of Public Health shall administer ~~redefine the function of~~ the Illinois Adoption Registry and ~~create the~~ Medical Information Exchange in the manner outlined in subsections (b) and (c) for the purpose of facilitating the voluntary exchange of medical information between mutually consenting members of birth and adoptive families. ~~birth parents or birth siblings and mutually consenting adoptive parents or legal guardians of adopted or surrendered persons under the age of 21 or adopted or surrendered persons 21 years of age or over.~~ The Department shall establish rules for the confidential operation of the Illinois Adoption Registry. The ~~Beginning January 1, 2000, the~~ Department shall conduct a public information campaign through public service announcements and other forms of media coverage and, until December 31, 2010 ~~for a minimum of 4 years,~~ through notices enclosed with driver's license renewal applications, shall inform the public ~~adopted and surrendered persons born, surrendered, or adopted in Illinois and their adoptive parents, legal guardians, birth parents and birth siblings~~ of the Illinois Adoption Registry and Medical Information Exchange. ~~The Department shall notify all parties who registered with the Illinois Adoption Registry prior to January 1, 2000 of the provisions of this amendatory Act of 1999.~~ The Illinois Adoption Registry shall also maintain an informational Internet site where interested parties may access information about the Illinois Adoption Registry and Medical Information Exchange and download all necessary application forms. The Illinois Adoption Registry shall maintain statistical records regarding Registry participation and publish and circulate to the public informational material about the function and operation of the Registry.

(b) Establishment of the Adoption/Surrender Records File. When a person has voluntarily registered with the Illinois Adoption Registry and completed an Illinois Adoption Registry

Application or a Registration Identification Form, the Registry shall establish a new Adoption/Surrender Records File. Such file may concern an adoption that was finalized by a court action in the State of Illinois, an adoption of a person born in Illinois finalized by a court action in a state other than Illinois or in a foreign country, or a surrender taken in the State of Illinois. Such file may be established for adoptions or surrenders finalized prior to as well as after the effective date of this amendatory Act ~~of 1999~~. A file may be created in any manner to preserve documents including but not limited to microfilm, optical imaging, or electronic documents.

(c) Contents of the Adoption/Surrender Records File. An established Adoption/Surrender Records File shall be limited to the following items, to the extent that they are available:

(1) The General Information Section and Medical Information Exchange Questionnaire of any Illinois Adoption Registry Application or a Registration Identification Form which has been voluntarily completed by any registered party ~~the adopted or surrendered person or his or her adoptive parents, legal guardians, birth parents, or birth siblings.~~

(2) Any photographs voluntarily provided by any registrant for any other registered party ~~the adopted or surrendered person or his or her adoptive parents, legal guardians, birth parents, or birth siblings~~ at the time of registration or any time thereafter. All such photographs shall be submitted in an unsealed envelope no larger than 8 1/2" x 11", and shall not include identifying information pertaining to any person other than the registrant who submitted them. Any such identifying information shall be redacted by the Department or the information shall be returned for removal of identifying information.

(3) Any Information Exchange Authorization or Denial of Information Exchange which has been filed by a registrant.

(4) For all adoptions finalized after January 1, 2000, copies of the original certificate of live birth and the certificate of adoption.

(5) Any updated address submitted by any registered party about himself or herself.

(6) Any proof of death which has been submitted by a registrant ~~an adopted or surrendered person, adoptive parent, legal guardian, birth parent, or birth sibling.~~

(7) Any birth certificate that has been submitted by a registrant.

(8) Any marriage certificate that has been submitted by a registrant.

(9) Any proof of guardianship that has been submitted by a registrant.

(Source: P.A. 91-417, eff. 1-1-00.)

(750 ILCS 50/18.06)

Sec. 18.06. Definitions. When used in Sections 18.05 through Section 18.6, for the purposes of the Registry:

"Adopted person" means a person who was adopted pursuant to the laws in effect at the time of the adoption.

"Adoptive parent" means a person who has become a parent through the legal process of adoption.

"Adult child" means the biological child 21 years of age or over of a deceased adopted or surrendered person.

"Agency" means a public child welfare agency or a licensed child welfare agency.

"Birth aunt" means the adult full or half sister of a deceased birth parent.

"Birth father" means the biological father of an adopted or surrendered person who is named on the original certificate of live birth or on a consent or surrender document, or a biological father whose paternity has been established by a judgment or order of the court, pursuant to the Illinois Parentage Act of 1984.

"Birth mother" means the biological mother of an adopted or

surrendered person.

"Birth parent" means a birth mother or birth father of an adopted or surrendered person.

"Birth relative" means a birth mother, birth father, birth sibling, birth aunt, or birth uncle.

"Birth sibling" means the adult full or half sibling of an adopted or surrendered person.

"Birth uncle" means the adult full or half brother of a deceased birth parent.

"Denial of Information Exchange" means an affidavit completed by a registrant with the Illinois Adoption Registry and Medical Information Exchange denying the release of identifying information.

"Information Exchange Authorization" means an affidavit completed by a registrant with the Illinois Adoption Registry and Medical Information Exchange authorizing the release of identifying information.

"Medical Information Exchange Questionnaire" means the medical history questionnaire completed by a registrant of the Illinois Adoption Registry and Medical Information Exchange.

"Proof of death" means a death certificate.

"Registrant" or "Registered Party" means a birth parent, birth sibling, birth aunt, birth uncle, adopted or surrendered person 21 years of age or over, ~~the age of 21, or~~ adoptive parent or legal guardian of an adopted or surrendered person under the age of 21, or adoptive parent, surviving spouse, or adult child of a deceased adopted or surrendered person who has filed an Illinois Adoption Registry Application or Registration Identification Form with the Registry.

"Surrendered person" means a person whose parents' rights have been surrendered or terminated but who has not been adopted.

"Surviving spouse" means the wife or husband of a deceased adopted or surrendered person who has one or more biological children under the age of 21.

(Source: P.A. 91-417, eff. 1-1-00.)

(750 ILCS 50/18.1) (from Ch. 40, par. 1522.1)

Sec. 18.1. Disclosure of identifying information.

(a) The Department of Public Health shall establish and maintain a Registry for the purpose of providing identifying information to mutually consenting members of birth and adoptive families ~~adult adopted or surrendered persons, birth parents, adoptive parents, legal guardians and birth siblings.~~ Identifying information for the purpose of this Act shall mean any one or more of the following:

(1) The name and last known address of the consenting person or persons.

(2) A copy of the Illinois Adoption Registry Application of the consenting person or persons.

(3) A copy of the original certificate of live birth of the adopted or surrendered person.

Written authorization from all parties identified must be received prior to disclosure of any identifying information.

(b) At any time after a child is surrendered for adoption, or at any time during the adoption proceedings or at any time thereafter, either birth parent or both of them may file with the Registry a Birth Parent Registration Identification Form and an Information Exchange Authorization or a Denial of Information Exchange.

(b-5) A birth sibling 21 years of age or over who was not surrendered for adoption and who has submitted a copy of his or her birth certificate as well as proof of death for a deceased birth parent and such birth parent did not file a Denial of Information Exchange with the Registry prior to his or her death may file a Registration Identification Form and an Information Exchange Authorization or a Denial of Information Exchange.

(b-7) A birth aunt or birth uncle who has submitted birth certificates for himself or herself and for a deceased birth parent naming at least one common biological parent as well as proof of death for the deceased birth parent and such birth

parent did not file a Denial of Information Exchange with the Registry prior to his or her death may file a Registration Identification Form and an Information Exchange Authorization or a Denial of Information Exchange.

(c) Any adopted person ~~over the age of 21~~ years of age or over, any surrendered person ~~over the age of 21~~ years of age or over, or any adoptive parent or legal guardian of an adopted or surrendered person under the age of 21 may file with the Registry a Registration Identification Form and an Information Exchange Authorization or a Denial of Information Exchange.

(c-3) Any adult child 21 years of age or over of a deceased adopted or surrendered person who has submitted a copy of his or her birth certificate naming an adopted or surrendered person as his or her biological parent as well as proof of death for the deceased adopted or surrendered person and such adopted or surrendered person did not file a Denial of Information Exchange with the Registry prior to his or her death may file a Registration Identification Form and an Information Exchange Authorization or a Denial of Information Exchange.

(c-5) Any surviving spouse of a deceased adopted or surrendered person 21 years of age or over who has submitted proof of death for the deceased adopted or surrendered person and such adopted or surrendered person did not file a Denial of Information Exchange with the Registry prior to his or her death as well as a birth certificate naming themselves and the adopted or surrendered person as the parents of a minor child under the age of 21 may file a Registration Identification Form and an Information Exchange Authorization or a Denial of Information Exchange.

(c-7) Any adoptive parent or legal guardian of a deceased adopted or surrendered person 21 years of age or over who has submitted proof of death as well as proof of parentage or guardianship for the deceased adopted or surrendered person and such adopted or surrendered person did not file a Denial of Information Exchange with the Registry prior to his or her

death may file a Registration Identification Form and an Information Exchange Authorization or a Denial of Information Exchange.

(d) The Department of Public Health shall supply to the adopted or surrendered person or his or her adoptive parents, ~~or~~ legal guardians, adult children or surviving spouse, and to the birth parents identifying information only if both the adopted or surrendered person, or one of his or her adoptive parents, ~~or~~ legal guardians, adult children or his or her surviving spouse, and the birth parents have filed with the Registry an Information Exchange Authorization and the information at the Registry indicates that the consenting adopted or surrendered person, ~~or~~ the child of the consenting adoptive parents or legal guardians, the parent of the consenting adult child of the adopted or surrendered person, or the deceased wife or husband of the consenting surviving spouse is the child of the consenting birth parents.

The Department of Public Health shall supply to adopted or surrendered persons who are birth siblings identifying information only if both siblings have filed with the Registry an Information Exchange Authorization and the information at the Registry indicates that the consenting siblings have one or both birth parents in common. Identifying information shall be supplied to consenting birth siblings who were adopted or surrendered if any such sibling is 21 years of age or over. Identifying information shall be supplied to consenting birth siblings who were not adopted or surrendered if any such sibling is 21 years of age or over and has proof of death of the common birth parent and such birth parent did not file a Denial of Information Exchange with the Registry prior to his or her death.

(d-3) The Department of Public Health shall supply to the adopted or surrendered person or his or her adoptive parents, legal guardians, adult children or surviving spouse, and to a birth aunt identifying information only if both the adopted or surrendered person or one of his or her adoptive parents, legal

guardians, adult children or his or her surviving spouse, and the birth aunt have filed with the Registry an Information Exchange Authorization and the information at the Registry indicates that the consenting adopted or surrendered person, or the child of the consenting adoptive parents or legal guardians, or the parent of the consenting adult child, or the deceased wife or husband of the consenting surviving spouse of the adopted or surrendered person is or was the child of the brother or sister of the consenting birth aunt.

(d-5) The Department of Public Health shall supply to the adopted or surrendered person or his or her adoptive parents, legal guardians, adult children or surviving spouse, and to a birth uncle identifying information only if both the adopted or surrendered person or one of his or her adoptive parents, legal guardians, adult children or his or her surviving spouse, and the birth uncle have filed with the Registry an Information Exchange Authorization and the information at the Registry indicates that the consenting adopted or surrendered person, or the child of the consenting adoptive parents or legal guardians, or the parent of the consenting adult child, or the deceased wife or husband of the consenting surviving spouse of the adopted or surrendered person is or was the child of the brother or sister of the consenting birth uncle.

(e) A registrant ~~birth parent, birth sibling, adopted or surrendered person or their adoptive parents or legal guardians~~ may notify the Registry of his or her desire not to have his or her identity revealed or may revoke any previously filed Information Exchange Authorization by completing and filing with the Registry a Registry Identification Form along with a Denial of Information Exchange. The Illinois Adoption Registry Application does not need to be completed in order to file a Denial of Information Exchange. Any registrant ~~adopted or surrendered person or his or her adoptive parents or legal guardians, birth sibling or birth parent~~ may revoke his or her ~~a~~ Denial of Information Exchange by filing an Information Exchange Authorization. The Department of Public Health shall

act in accordance with the most recently filed Authorization.

(f) Identifying information ascertained from the Registry shall be confidential and may be disclosed only (1) upon a Court Order, which order shall name the person or persons entitled to the information, or (2) to a registrant who is the subject of the adopted or surrendered person, adoptive parents or legal guardians, birth sibling, or birth parent if both the adopted or surrendered person or his or her adoptive parents or legal guardians, and his or her birth parent, or both, birth siblings, have filed with the Registry an Information Exchange Authorization that was completed by another registrant and filed with the Illinois Adoption Registry and Medical Information Exchange, or (3) as authorized under subsection (h) of Section 18.3 of this Act. A copy of the certificate of live birth shall only be released to an adopted or surrendered person who was born in Illinois and who is the subject of an Information Exchange Authorization filed by one of his or her birth relatives ~~parents or non-surrendered birth siblings~~. Any person who willfully provides unauthorized disclosure of any information filed with the Registry or who knowingly or intentionally files false information with the Registry shall be guilty of a Class A misdemeanor and shall be liable for damages.

(g) If information is disclosed pursuant to this Act, the Department shall redact it to remove any identifying information about any party who has not consented to the disclosure of such identifying information.

(Source: P.A. 91-417, eff. 1-1-00; 92-16, eff. 6-28-01.)

(750 ILCS 50/18.1a)

Sec. 18.1a. Registry matches.

(a) The Registry shall release identifying information, as specified on the Information Exchange Authorization, to the following mutually consenting registered parties and provide them with any photographs which have been placed in the Adoption/Surrender Records File and are specifically intended

for the registered parties:

(i) an adult adopted or surrendered person and one of his or her birth relatives ~~parents or birth siblings~~ who have both filed an applicable Information Exchange Authorization specifying the other consenting party with the Registry, if information available to the Registry confirms that the consenting adopted or surrendered person is biologically related to a birth relative of the consenting birth relative ~~parent or sibling~~;

(ii) the adoptive parent or legal guardian of an adopted or surrendered person under the age of 21 and one of the adopted or surrendered person's ~~his or her~~ birth relatives ~~parents or birth siblings~~ who have both filed an Information Exchange Authorization specifying the other consenting party with the Registry, if information available to the Registry confirms that the child of the consenting adoptive parent or legal guardian is biologically related to a birth relative of the consenting birth relative; and ~~parent or birth sibling~~.

(iii) the adoptive parent, adult child or surviving spouse of a deceased adopted or surrendered person, and one of the adopted or surrendered person's birth relatives who have both filed an applicable Information Exchange Authorization specifying the other consenting party with the Registry, if information available to the Registry confirms that child of the consenting adoptive parent, the parent of the consenting adult child or the deceased wife or husband of the consenting surviving spouse of the adopted or surrendered person was biologically related to the consenting birth relative.

(b) If a registrant is the subject of a Denial of Information Exchange filed by another registered party ~~to the adoption~~, the Registry shall not release identifying information to either registrant.

(c) If a registrant has completed a Medical Information Exchange Questionnaire and has consented to its disclosure,

that Questionnaire shall be released to any registered party who has indicated their desire to receive such information on his or her Illinois Adoption Registry Application, if information available to the Registry confirms that the consenting parties are biologically related, ~~birth relatives~~ ~~or~~ that the consenting birth relative and the child of the consenting⁷ adoptive parents or legal guardians are birth relatives, or that the consenting birth relative and the deceased wife or husband of the consenting surviving spouse are birth relatives.

(Source: P.A. 91-417, eff. 1-1-00.)

(750 ILCS 50/18.1b)

Sec. 18.1b. The Illinois Adoption Registry Application. The Illinois Adoption Registry Application shall substantially include the following:

(a) General Information. The Illinois Adoption Registry Application shall include the space to provide Information about the registrant including his or her surname, given name or names, social security number (optional), mailing address, home telephone number, gender, date and place of birth, and the date of registration. If applicable and known to the registrant, he or she may include the maiden surname of the birth mother, any subsequent surnames of the birth mother, the surname of the birth father, the given name or names of the birth parents, the dates and places of birth of the birth parents, the surname and given name or names of the adopted person prior to adoption, the gender and date and place of birth of the adopted or surrendered person, the name of the adopted person following his or her adoption and the state and county where the judgment of adoption was finalized.

(b) Medical Information Exchange Questionnaire. In recognition of the importance of medical information and of recent discoveries regarding the genetic origin of many medical conditions and diseases all registrants shall be asked to voluntarily complete a Medical Information Exchange

Questionnaire.

(1) For birth relatives ~~parents or birth siblings~~, the Medical Information Exchange Questionnaire shall include a comprehensive check-list of medical conditions and diseases including those of genetic origin. Birth relatives ~~parents and birth siblings~~ shall be asked to indicate all genetically-inherited diseases and conditions on this list which are known to exist in the adopted or surrendered person's birth family at the time of registration. In addition, all birth relatives ~~parents and birth siblings~~ shall be apprised of the Registry's provisions for voluntarily submitting information about their and their family's medical histories on a confidential, ongoing basis.

(2) Adopted and surrendered persons and their adoptive parents, ~~or~~ legal guardians, adult children, and surviving spouses shall be asked to indicate all genetically-inherited diseases and medical conditions with which the adopted or surrendered person or, if applicable, his or her children have been diagnosed since birth.

(3) The Medical Information Exchange Questionnaire shall include a space where the registrant may authorize the release of the Medical Information Exchange Questionnaire to specified registered parties and a disclaimer informing registrants that the Department of Public Health cannot guarantee the accuracy of medical information exchanged through the Registry.

(c) Written statement. All registrants shall be given the opportunity to voluntarily file a written statement with the Registry. This statement shall be submitted in the space provided. No written statement submitted to the Registry shall include identifying information pertaining to any person other than the registrant who submitted it. Any such identifying information shall be redacted by the Department or returned for removal of identifying information.

(d) Contact information. All registrants may indicate

their wishes regarding contact with any other registrant by completing an Information Exchange Authorization or a Denial of Information Exchange.

(1) Information Exchange Authorization. Adopted or surrendered persons 21 years of age or over who would welcome contact with one or more of their birth relatives ~~parents or birth siblings~~; birth parents who would welcome contact with an adopted or surrendered person 21 years of age or over, or one or more of his or her adoptive parents, ~~or~~ legal guardians, adult children, or a surviving spouse; birth siblings 21 years of age or over who were adopted or surrendered and who would welcome contact with an adopted or surrendered person, or one or more of his or her adoptive parents, ~~or~~ legal guardians, adult children, or a surviving spouse; birth siblings 21 years of age or over who were not surrendered and who have submitted proof of death for any common birth parent who did not file a Denial of Information Exchange prior to his or her death, and who would welcome contact with an adopted or surrendered person, or one or more of his or her adoptive parents, ~~or~~ legal guardians, adult children, or a surviving spouse; birth aunts and birth uncles 21 years of age or over who have submitted birth certificates for themselves and a deceased birth parent naming at least one common biological parent as well as proof of death for a deceased birth parent who did not file a Denial of Information Exchange prior to his or her death and who would welcome contact with an adopted or surrendered person 21 years of age or over, or one or more of his or her adoptive parents, legal guardians, adult children or a surviving spouse; and adoptive parents or legal guardians of adopted or surrendered persons under the age of 21 who would welcome contact with one or more of the adopted or surrendered person's birth relatives; adoptive parents and legal guardians of deceased adopted or surrendered persons 21 years of age or over who have submitted proof of death for

a deceased adopted or surrendered person who did not file a Denial of Information Exchange prior to his or her death and who would welcome contact with one or more of the adopted or surrendered person's birth relatives; adult children of deceased adopted or surrendered persons who have submitted a birth certificate naming the adopted or surrendered person as their biological parent and proof of death for an adopted or surrendered person who did not file a Denial of Information Exchange prior to his or her death; and surviving spouses of deceased adopted or surrendered persons who have submitted a marriage certificate naming an adopted or surrendered person as their deceased wife or husband and proof of death for an adopted or surrendered person who did not file a Denial of Information Exchange prior to his or her death and who would welcome contact with one or more of the adopted or surrendered person's birth relatives ~~parents or birth siblings~~ may specify with whom they wish to exchange identifying information by filing an Information Exchange Authorization ~~at the time of the adoption or surrender, or any time thereafter.~~

(2) Denial of Information Exchange. Adopted or surrendered persons 21 years of age or over who do not wish to establish contact with one or more of their birth relatives ~~parents or birth siblings~~ may specify with whom they do not wish to exchange identifying information by filing a Denial of Information Exchange. Birth relatives ~~parents or birth siblings~~ who do not wish to establish contact with an adopted or surrendered person or one or more of his or her adoptive parents, ~~or~~ legal guardians, or adult children may specify with whom they do not wish to exchange identifying information by filing a Denial of Information Exchange ~~at the time of the adoption or surrender, or any time thereafter.~~ Adoptive parents or legal guardians of adopted or surrendered persons under the age of 21 who do not wish to establish contact with one or more of the adopted or surrendered person's birth relatives

~~parents or birth siblings~~ may specify with whom they do not wish to exchange identifying information by filing a Denial of Information Exchange ~~at the time of the adoption or surrender, or any time thereafter.~~ Adoptive parents, adult children, and surviving spouses of deceased adoptees who do not wish to establish contact with one or more of the adopted or surrendered person's birth relatives may specify with whom they do not wish to exchange identifying information by filing a Denial of Information Exchange. The Illinois Adoption Registry Application does not need to be completed in order to file a Denial of Information Exchange.

(e) A registrant may complete all or any part of the Illinois Adoption Registry Application. All Illinois Adoption Registry Applications, Information Exchange Authorizations, Denials of Information Exchange, requests to revoke an Information Exchange Authorization or Denial of Information Exchange, and affidavits submitted to the Registry shall be accompanied by proof of identification.

(f) The Department shall establish the Illinois Adoption Registry Application form including the Medical Information Exchange Questionnaire by rule.

(Source: P.A. 91-417, eff. 1-1-00.)

(750 ILCS 50/18.2) (from Ch. 40, par. 1522.2)

Sec. 18.2. Forms.

(a) The form of the Birth Parent Registration Identification Form shall be substantially as follows:

BIRTH PARENT REGISTRATION IDENTIFICATION

(Insert all known information)

I,, state that I am the (mother or father) of the following child:

Child's original name: (first) (middle)
 (last), (hour of birth), (date of birth),
 (city and state of birth), (name of
 hospital).

Name of birth father (if known): (first)

(middle) (last), (race).

Name(s) at birth of sibling(s) having a common birth parent
with adoptee (if known): (first) (middle)
..... (last), (race), and name of common birth
parent: (first) (middle) (last),
..... (race).

I was adopted through: (name of agency).

I was adopted privately: (state "yes" if known).

I was adopted in (city and state), (approximate
date).

Other identifying information:

.....
(signature of adoptee)

.....
(date)
(printed name of adoptee)

(c) The form of the Surrendered Person Registration
Identification shall be substantially as follows:

SURRENDERED PERSON REGISTRATION

IDENTIFICATION

(Insert all known information)

I,, state the following:

Surrendered Person's present name: (first)
(middle) (last).

Surrendered Person's name at birth (if known):
(first) (middle) (last),(birth
date), (city and state of birth), (sex),
..... (race).

Name of guardian father: (first) (middle)
(last), (race).

Maiden name of guardian mother: (first)
(middle) (last), (race).

Name of birth mother (if known): (first)
(middle) (last) (race).

Name of birth father (if known): (first)
(middle) (last),(race).

Name(s) at birth of sibling(s) having a common birth parent
with surrendered person (if known): (first)
..... (middle) (last), (race), and name of
common birth parent: (first) (middle)
..... (last), (race).
I was surrendered for adoption to: (name of agency).
I was surrendered for adoption in (city and state),
(approximate date).
Other identifying information:

.....
(signature of surrendered person)
.....
(date) (printed name of person
surrendered for adoption)

(c-3) The form of the Registration Identification Form for
Surviving Relatives of Deceased Birth Parents shall be
substantially as follows:

REGISTRATION IDENTIFICATION FORM
FOR SURVIVING RELATIVES OF DECEASED BIRTH PARENTS
(Insert all known information)

I,, state the following:
Name of deceased birth parent at time of surrender:
Deceased birth parent's date of birth:
Deceased birth parent's date of death:
Adopted or surrendered person's name at birth (if known):
.....(first) (middle) (last),(birth
date), (city and state of birth), (sex),
..... (race).
My relationship to the adopted or surrendered person (check
one): (birth parent's non-surrendered child) (birth parent's
sister) (birth parent's brother).
If you are a non-surrendered child of the birth parent, provide
name(s) at birth and age(s) of non-surrendered siblings having
a common parent with the birth parent. If more than one

sibling, please give information requested below on reverse side of this form. If you are a sibling or parent of the birth parent, provide name(s) at birth and age(s) of the sibling(s) of the birth parent. If more than one sibling, please give information requested below on reverse side of this form.

Name (First) (middle) (last),(birth date), (city and state of birth), (sex), (race).

Name(s) of common parent(s) (first) (middle) (last),(race), (first) (middle) (last),(race).

My birth sibling/child of my brother/child of my sister/ was surrendered for adoption to (name of agency) City and state of agency Date(approximate) Other identifying information (Please note that you must: (i) be at least 21 years of age to register; (ii) submit with your registration a certified copy of the birth parent's birth certificate; (iii) submit a certified copy of the birth parent's death certificate; and (iv) if you are a non-surrendered birth sibling or a sibling of the deceased birth parent, also submit a certified copy of your birth certificate with this registration. No application from a surviving relative of a deceased birth parent can be accepted if the birth parent filed a Denial of Information Exchange prior to his or her death.)

.....
(signature of birth parent's surviving relative)

.....
(date) (printed name of birth parent's surviving relative)

(c-5) The form of the Registration Identification Form for Surviving Relatives of Deceased Adopted or Surrendered Persons shall be substantially as follows:

SURVIVING RELATIVES OF DECEASED ADOPTED OR SURRENDERED PERSONS

(Insert all known information)

I,, state the following:

Adopted or surrendered person's name at birth (if known):

(first) (middle) (last),(birth
date), (city and state of birth), (sex),
..... (race).

Adopted or surrendered person's date of death:

My relationship to the deceased adopted or surrendered
person(check one): (adoptive mother) (adoptive father) (adult
child) (surviving spouse).

If you are an adult child or surviving spouse of the adopted or
surrendered person, provide name(s) at birth and age(s) of the
children of the adopted or surrendered person. If the adopted
or surrendered person had more than one child, please give
information requested below on reverse side of this form.

Name (first) (middle) (last),(birth
date), (city and state of birth), (sex),
..... (race).

Name(s) of common parent(s) (first) (middle)
(last),(race), (first) (middle)
(last),(race).

My child/parent/deceased spouse was surrendered for
adoption to(name of agency) City and state of agency
..... Date (approximate) Other identifying
information (Please note that you must: (i) be at
least 21 years of age to register; (ii) submit with your
registration a certified copy of the adopted or surrendered
person's death certificate; (iii) if you are the child of a
deceased adopted or surrendered person, also submit a
certified copy of your birth certificate with this
registration; and (iv) if you are the surviving wife or
husband of a deceased adopted or surrendered person, also
submit a copy of your marriage certificate with this
registration. No application from a surviving relative of a
deceased adopted or surrendered person can be accepted if

the adopted or surrendered person filed a Denial of Information Exchange prior to his or her death.)

.....
(signature of adopted or surrendered person's surviving relative)

.....
(date) (printed name of adopted person's surviving relative)

(d) The form of the Information Exchange Authorization shall be substantially as follows:

INFORMATION EXCHANGE AUTHORIZATION

I,, state that I am the person who completed the Registration Identification; that I am of the age of years; that I hereby authorize the Department of Public Health to give to the following person(s) ~~my~~ (birth mother ~~parent~~) (birth father) (birth sibling) (adopted or surrendered person ~~child~~) (adoptive mother) (adoptive father) (legal guardian of an adopted or surrendered person) (birth aunt) (birth uncle) (adult child of a deceased adopted or surrendered person) (surviving spouse of a deceased adopted or surrendered person) (all eligible relatives) the following (please check the information authorized for exchange):

- [] 1. Only my name and last known address.
- [] 2. A copy of my Illinois Adoption Registry Application.
- [] 3. A copy of the original certificate of live birth.
- [] 4. A copy of my completed medical questionnaire.

I am fully aware that I can only be supplied with ~~any~~ information about an individual or individuals who have my (~~birth parent~~) (~~birth sibling~~) (~~surrendered child~~) if such ~~person has~~ duly executed an Information Exchange Authorization that ~~for such information which~~ has not been revoked; that I

can be contacted by writing to: (own name or name of person to contact) (address) (phone number).

Dated (insert date).

.....

(signature)

(e) The form of the Denial of Information Exchange shall be substantially as follows:

DENIAL OF INFORMATION EXCHANGE

I,, state that I am the person who completed the Registration Identification; that I am of the age of years; that I hereby instruct the Department of Public Health not to give any identifying information about me to the following person(s) ~~my~~ (birth mother) (birth father) (birth sibling) (adopted or surrendered person) (adoptive mother) (adoptive father) (legal guardian of an adopted or surrendered person) (birth aunt) (birth uncle) (adult child of a deceased adopted or surrendered person) (surviving spouse of a deceased adopted or surrendered person) (all eligible relatives) ~~parent) (birth sibling) (surrendered child)~~; that I do not wish to be contacted.

Dated (insert date).

.....

(signature)

(f) The Information Exchange Authorization and the Denial of Information Exchange shall be acknowledged by the birth parent, birth sibling, adopted or surrendered person, adoptive parent, or legal guardian before a notary public, in form substantially as follows:

State of
County of

I, a Notary Public, in and for the said County, in the State aforesaid, do hereby certify that personally known to me to be the same person whose name is subscribed to the foregoing certificate of acknowledgement,

appeared before me in person and acknowledged that (he or she) signed such certificate as (his or her) free and voluntary act and that the statements in such certificate are true.

Given under my hand and notarial seal on (insert date).

.....
(signature)

(g) When the execution of an Information Exchange Authorization or a Denial of Information Exchange is acknowledged before a representative of an agency, such representative shall have his signature on said Certificate acknowledged before a notary public, in form substantially as follows:

State of.....
County of.....

I, a Notary Public, in and for the said County, in the State aforesaid, do hereby certify that personally known to me to be the same person whose name is subscribed to the foregoing certificate of acknowledgement, appeared before me in person and acknowledged that (he or she) signed such certificate as (his or her) free and voluntary act and that the statements in such certificate are true.

Given under my hand and notarial seal on (insert date).

.....
(signature)

(h) When an Illinois Adoption Registry Application, Information Exchange Authorization or a Denial of Information Exchange is executed in a foreign country, the execution of such document shall be acknowledged or affirmed before an officer of the United States consular services.

(i) If the person signing an Information Exchange Authorization or a Denial of Information is in the military service of the United States, the execution of such document

may be acknowledged before a commissioned officer and the signature of such officer on such certificate shall be verified or acknowledged before a notary public or by such other procedure as is then in effect for such division or branch of the armed forces.

(j) The Department shall modify these forms as necessary to implement the provisions of this amendatory Act of 1999 including creating Registration Identification Forms for non-surrendered birth siblings, adoptive parents and legal guardians.

(Source: P.A. 93-189, eff. 1-1-04.)

(750 ILCS 50/18.3) (from Ch. 40, par. 1522.3)

Sec. 18.3. (a) The agency, Department of Children and Family Services, Court Supportive Services, Juvenile Division of the Circuit Court, and any other party to the surrender of a child for adoption or in an adoption proceeding shall obtain from any birth parent or parents giving up a child for purposes of adoption after the effective date of this Act a written statement which indicates: (1) a desire to have identifying information shared with the adopted or surrendered person at a later date; (2) a desire not to have identifying information revealed; or (3) that no decision is made at that time. In addition, the agency, Department of Children and Family Services, Court Supportive Services, Juvenile Division of the Circuit Court, and any other organization involved in the surrender of a child for adoption in an adoption proceeding shall inform the birth parent or parents of a child born, adopted or surrendered in Illinois of the existence of the Illinois Adoption Registry and Medical Information Exchange and provide them with the necessary application forms and if requested, assistance with completing the forms.

(b) When the written statement is signed, the birth parent or parents shall be informed in writing that their decision regarding the sharing of identifying information can be made or changed by such birth parent or parents at any future date.

(c) The birth parent shall be informed in writing that if sharing of identifying information with the adopted or surrendered person is to occur, that he or she must be 21 years of age or over.

(d) If the birth parent or parents indicate a desire to share identifying information with the adopted or surrendered person, the birth parent shall complete an Information Exchange Authorization.

(e) Any birth parent or parents requesting that no identifying information be revealed to the adopted or surrendered person shall be informed that such request will be conveyed to the adopted or surrendered person if he or she requests such information; and such identifying information shall not be revealed.

(f) Any adopted or surrendered person 21 years of age or over may also indicate in writing his or her desire or lack of desire to share identifying information with the birth parent or parents or with one or more of his or her birth relatives ~~birth sibling or siblings~~. Any adopted or surrendered person requesting that no identifying information be revealed to the birth parent or to one or more of his or her birth relatives ~~sibling~~ shall be informed that such request shall be conveyed to the ~~parent if such~~ birth parent or birth relative if he or she ~~sibling~~ requests such information; and such identifying information shall not be revealed.

(g) Any birth parent, birth sibling, ~~and~~ adopted or surrendered person, adoptive parent, ~~or~~ legal guardian indicating their desire to receive identifying or medical information shall be informed of the existence of the Registry and assistance shall be given to such person to legally record his or her name with the Registry.

(h) The agency, Department of Children and Family Services, Court Supportive Services, Juvenile Division of the Circuit Court, and any other organization involved in the surrender of a child for adoption in an adoption proceeding which has written statements from an adopted or surrendered person and

the birth parent or a birth sibling indicating a desire to receive identifying information shall supply such information to the mutually consenting parties, except that no identifying information shall be supplied to consenting birth siblings if any such sibling is under 21 years of age. However, both the Registry having an Information Exchange Authorization and the organization having a written statement requesting identifying information shall communicate with each other to determine if the adopted or surrendered person or the birth parent or birth sibling has signed a form at a later date indicating a change in his or her desires regarding the sharing of information. The agreement of the birth parent shall be binding.

(i) On and after January 1, 2000, any licensed child welfare agency which provides post-adoption search assistance to adoptive parents, adopted persons, surrendered persons, birth parents, or other birth relatives ~~siblings~~ shall require that any person requesting post-adoption search assistance complete an Illinois Adoption Registry Application prior to the commencement of the search.

(Source: P.A. 91-417, eff. 1-1-00.)

(750 ILCS 50/18.3a) (from Ch. 40, par. 1522.3a)

Sec. 18.3a. Confidential intermediary.

(a) General purposes. Notwithstanding any other provision of this Act, any adopted or surrendered person 21 years of age or over, any adoptive parent or legal guardian of an adopted or surrendered person under the age of 21, or any birth parent of an adopted or surrendered person who is 21 years of age or over may petition the court in any county in the State of Illinois for appointment of a confidential intermediary as provided in this Section for the purpose of exchanging medical information with one or more mutually consenting biological relatives, obtaining identifying information about one or more mutually consenting biological relatives, or arranging contact with one or more mutually consenting biological relatives. Additionally, in cases where an adopted or surrendered person

is deceased, an adult child of the adopted or surrendered person or his or her adoptive parents or surviving spouse may file a petition under this Section and in cases where the birth parent is deceased, an adult birth sibling of the adopted or surrendered person or of the deceased birth parent may file a petition under this Section for the purpose of exchanging medical information with one or more mutually consenting biological relatives of the adopted or surrendered person, obtaining identifying information about one or more mutually consenting biological relatives of the adopted or surrendered person, or arranging contact with one or more mutually consenting biological relatives of the adopted or surrendered person. Beginning January 1, 2006, any adopted or surrendered person 21 years of age or over; any adoptive parent or legal guardian of an adopted or surrendered person under the age of 21; any birth parent, birth sibling, birth aunt, or birth uncle of an adopted or surrendered person over the age of 21; any surviving child, adoptive parent, or surviving spouse of a deceased adopted or surrendered person who wishes to petition the court for the appointment of a confidential intermediary shall be required to accompany their petition with proof of registration with the Illinois Adoption Registry and Medical Information Exchange.

(b) Petition. Upon petition by an adopted or surrendered person 21 years of age or over, an adoptive parent or legal guardian of an adopted or surrendered person under the age of 21, or a birth parent of an adopted or surrendered person who is 21 years of age or over, the court shall appoint a confidential intermediary. Upon petition by an adult child, adoptive parent or surviving spouse of an adopted or surrendered person who is deceased, ~~or~~ by an adult birth sibling of an adopted or surrendered person whose common birth parent is deceased and whose adopted or surrendered birth sibling is 21 years of age or over, or by an adult sibling of a birth parent who is deceased, and whose surrendered child is 21 years of age or over, the court may appoint a confidential

intermediary if the court finds that the disclosure is of greater benefit than nondisclosure. The petition shall state which biological relative or relatives are being sought and shall indicate if the petitioner wants to do any one or more of the following: exchange medical information with the biological relative or relatives, obtain identifying information from the biological relative or relatives, or to arrange contact with the biological relative.

(c) Order. The order appointing the confidential intermediary shall allow that intermediary to conduct a search for the sought-after relative by accessing those records described in subsection (g) of this Section.

(d) Fees and expenses. The court shall condition the appointment of the confidential intermediary on the petitioner's payment of the intermediary's fees and expenses in advance of the commencement of the work of the confidential intermediary.

(e) Eligibility of intermediary. The court may appoint as confidential intermediary ~~either an employee of the Illinois Department of Children and Family Services designated by the Department to serve as such, or any other~~ person certified by the Department of Children and Family Services as qualified to serve as a confidential intermediary, ~~or any employee of a licensed child welfare agency certified by the agency as qualified to serve as a confidential intermediary.~~ Certification shall be dependent upon the confidential intermediary completing a course of training including, but not limited to, applicable federal and State privacy laws.

(f) Confidential Intermediary Council. There shall be established under the Department of Children and Family Services a Confidential Intermediary Advisory Council. One member shall be an attorney representing the Attorney General's Office appointed by the Attorney General. One member shall be a currently certified confidential intermediary appointed by the Director of the Department of Children and Family Services. The Director shall also appoint 5 additional members. When making

those appointments, the Director shall consider advocates for adopted persons, adoptive parents, birth parents, lawyers who represent clients in private adoptions, lawyers specializing in privacy law, and representatives of agencies involved in adoptions. The Director shall appoint one of the 7 members as the chairperson. An attorney from the Department of Children and Family Services and the person directly responsible for administering the confidential intermediary program shall serve as ex-officio, non-voting advisors to the Council. Council members shall serve at the discretion of the Director and shall receive no compensation other than reasonable expenses approved by the Director. The Council shall meet no less than twice yearly, and shall make recommendations to the Director regarding the development of rules, procedures, and forms that will ensure efficient and effective operation of the confidential intermediary process, including:

(1) Standards for certification for confidential intermediaries.

(2) Oversight of methods used to verify that intermediaries are complying with the appropriate laws.

(3) Training for confidential intermediaries, including training with respect to federal and State privacy laws.

(4) The relationship between confidential intermediaries and the court system, including the development of sample orders defining the scope of the intermediaries' access to information.

(5) Any recent violations of policy or procedures by confidential intermediaries and remedial steps, including decertification, to prevent future violations.

(g) Access. Subject to the limitations of subsection (i) of this Section, the confidential intermediary shall have access to vital records maintained by the Department of Public Health and its local designees for the maintenance of vital records and all records of the court or any adoption agency, public or private, as limited in this Section, which relate to

the adoption or the identity and location of an adopted or surrendered person, of an adult child or surviving spouse of a deceased adopted or surrendered person, or of a birth parent, birth sibling, or the sibling of a deceased birth parent. The confidential intermediary shall not have access to any personal health information protected by the Standards for Privacy of Individually Identifiable Health Information adopted by the U.S. Department of Health and Human Services under the Health Insurance Portability and Accountability Act of 1996 unless the confidential intermediary has obtained written consent from the person whose information is being sought or, if that person is a minor child, that person's parent or guardian. Confidential intermediaries shall be authorized to inspect confidential relinquishment and adoption records. The confidential intermediary shall not be authorized to access medical records, financial records, credit records, banking records, home studies, attorney file records, or other personal records. In cases where a birth parent is being sought, an adoption agency shall inform the confidential intermediary of any statement filed pursuant to Section 18.3, hereinafter referred to as "the 18.3 statement", indicating a desire of the surrendering birth parent to have identifying information shared or to not have identifying information shared. If there was a clear statement of intent by the sought-after birth parent not to have identifying information shared, the confidential intermediary shall discontinue the search and inform the petitioning party of the sought-after relative's intent. ~~Additional~~ Information provided to the confidential intermediary by an adoption agency shall be restricted to the full name, date of birth, place of birth, last known address, ~~and~~ last known telephone number of the sought-after relative or, if applicable, of the children or siblings of the sought-after relative, and the 18.3 statement.

(h) Adoption agency disclosure of medical information. If the petitioner is an adult adopted or surrendered person or the adoptive parent of a minor and if the petitioner has signed a

written authorization to disclose personal medical information, an adoption agency disclosing information to a confidential intermediary shall disclose available medical information about the adopted or surrendered person from birth through adoption.

(i) Duties of confidential intermediary in conducting a search. In conducting a search under this Section, the confidential intermediary shall first confirm that there is no Denial of Information Exchange on file with the Illinois Adoption Registry. If the petitioner is an adult child of an adopted or surrendered person who is deceased, the confidential intermediary shall additionally confirm that the adopted or surrendered person did not file a Denial of Information Exchange with the Illinois Adoption Registry during his or her life. If the petitioner is an adult birth sibling of an adopted or surrendered person or an adult sibling of a birth parent who is deceased, the confidential intermediary shall additionally confirm that the birth parent did not file a Denial of Information Exchange with the Registry during his or her life. If the confidential intermediary learns that a sought-after birth parent signed a statement indicating his or her intent not to have identifying information shared, and did not later file an Information Exchange Authorization with the Adoption Registry, the confidential intermediary shall discontinue the search and inform the petitioning party of the birth parent's intent.

In conducting a search under this Section, the confidential intermediary shall attempt to locate the relative or relatives from whom the petitioner has requested information. If the sought-after relative is deceased or cannot be located after a diligent search, the confidential intermediary may contact other adult ~~biological~~ relatives of the sought-after relative.

The confidential intermediary shall contact a sought-after relative on behalf of the petitioner in a manner that respects the sought-after relative's privacy and shall inform the sought-after relative of the petitioner's request for medical

information, identifying information or contact as stated in the petition. Based upon the terms of the petitioner's request, the confidential intermediary shall contact a sought-after relative on behalf of the petitioner and inform the sought-after relative of the following options:

(1) The sought-after relative may totally reject one or all of the requests for medical information, identifying information or contact. The sought-after relative shall be informed that they can provide a medical questionnaire to be forwarded to the petitioner without releasing any identifying information. The confidential intermediary shall inform the petitioner of the sought-after relative's decision to reject the sharing of information or contact.

(2) The sought-after relative may consent to completing a medical questionnaire only. In this case, the confidential intermediary shall provide the questionnaire and ask the sought-after relative to complete it. The confidential intermediary shall forward the completed questionnaire to the petitioner and inform the petitioner of the sought-after relative's desire to not provide any additional information.

(3) The sought-after relative may communicate with the petitioner without having his or her identity disclosed. In this case, the confidential intermediary shall arrange the desired communication in a manner that protects the identity of the sought-after relative. The confidential intermediary shall inform the petitioner of the sought-after relative's decision to communicate but not disclose his or her identity.

(4) The sought after relative may consent to initiate contact with the petitioner. If both the petitioner and the sought-after relative or relatives are eligible to register with the Illinois Adoption Registry, the confidential intermediary shall provide the necessary application forms and request that the sought-after relative register with the Illinois Adoption Registry. If

either the petitioner or the sought-after relative or relatives are ineligible to register with the Illinois Adoption Registry, the confidential intermediary shall obtain written consents from both parties that they wish to disclose their identities to each other and to have contact with each other.

(j) Oath. The confidential intermediary shall sign an oath of confidentiality substantially as follows: "I,, being duly sworn, on oath depose and say: As a condition of appointment as a confidential intermediary, I affirm that:

(1) I will not disclose to the petitioner, directly or indirectly, any confidential information except in a manner consistent with the law.

(2) I recognize that violation of this oath subjects me to civil liability and to a potential finding of contempt of court.

SUBSCRIBED AND SWORN to before me, a Notary Public, on (insert date)

....."

(k) Sanctions.

(1) Any confidential intermediary who improperly discloses confidential information identifying a sought-after relative shall be liable to the sought-after relative for damages and may also be found in contempt of court.

(2) Any person who learns a sought-after relative's identity, directly or indirectly, through the use of procedures provided in this Section and who improperly discloses information identifying the sought-after relative shall be liable to the sought-after relative for actual damages plus minimum punitive damages of \$10,000.

(3) The Department shall fine any confidential intermediary who improperly discloses confidential information in violation of item (1) or (2) of this subsection (k) an amount up to \$2,000 per improper disclosure. This fine does not affect civil liability under

item (2) of this subsection (k). The Department shall deposit all fines and penalties collected under this Section into the Illinois Adoption Registry and Medical Information Fund.

(l) Death of person being sought. Notwithstanding any other provision of this Act, if the confidential intermediary discovers that the person being sought has died, he or she shall report this fact to the court, along with a copy of the death certificate.

(m) Any confidential information obtained by the confidential intermediary during the course of his or her search shall be kept strictly confidential and shall be used for the purpose of arranging contact between the petitioner and the sought-after birth relative. At the time the case is closed, all identifying information shall be returned to the court for inclusion in the impounded adoption file.

(n) If the petitioner is an adopted or surrendered person 21 years of age or over or the adoptive parent or legal guardian of an adopted or surrendered person under the age of 21, any non-identifying information, as defined in Section 18.4, that is ascertained during the course of the search may be given in writing to the petitioner before the case is closed.

(o) Except as provided in subsection (k) of this Section, no liability shall accrue to the State, any State agency, any judge, any officer or employee of the court, any certified confidential intermediary, or any agency designated to oversee confidential intermediary services for acts, omissions, or efforts made in good faith within the scope of this Section.

(Source: P.A. 93-189, eff. 1-1-04.)

Section 99. Effective date. This Act takes effect January 1, 2006.