



LRB095 15988 AJ0 47841 a

1 AMENDMENT TO HOUSE BILL 4623

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4623 by deleting  
3 everything after the enacting clause with the following:

4 "Section 5. The Adoption Act is amended by changing  
5 Sections 18.04, 18.05, 18.06, 18.07, 18.1, 18.1a, 18.1b, 18.2,  
6 18.3, 18.3a, 18.5, and 18.6 as follows:

7 (750 ILCS 50/18.04)

8 Sec. 18.04. Original Birth Certificate Access ~~The Illinois~~  
9 ~~Adoption Registry and Medical Information Exchange;~~  
10 legislative intent. The General Assembly recognizes that it is  
11 the basic right of all persons to access their birth records,  
12 and, to this end, supports public policy that allows an adult  
13 adoptee to access his or her original birth certificate. The  
14 General Assembly further recognizes that there are  
15 circumstances under which a birth parent may have compelling  
16 reasons for wishing to remain anonymous to a child he or she

1 surrendered for adoption. In an effort to balance these  
2 interests, the General Assembly supports public policy that  
3 releases a non-certified copy of the original birth certificate  
4 to an adult adopted person upon request unless a specific  
5 request for anonymity has been filed with the Registry by a  
6 birth parent named on the original birth certificate ~~the~~  
7 ~~importance of creating a procedure by which mutually consenting~~  
8 ~~adult members of birth and adoptive families, and adult adopted~~  
9 ~~or surrendered persons may voluntarily exchange vital medical~~  
10 ~~information throughout the life of the adopted or surrendered~~  
11 ~~person. The General Assembly supports public policy that~~  
12 ~~requires explicit mutual consent prior to the release of~~  
13 ~~confidential information. The General Assembly further~~  
14 ~~recognizes that it is in the best interest of adopted and~~  
15 ~~surrendered persons that birth family medical histories and the~~  
16 ~~preferences regarding contact of all parties to an adoption be~~  
17 ~~compiled, preserved and provided to mutually consenting~~  
18 ~~members of birth and adoptive families.~~

19 (Source: P.A. 94-173, eff. 1-1-06.)

20 (750 ILCS 50/18.05)

21 Sec. 18.05. The Illinois Adoption Registry and Medical  
22 Information Exchange.

23 (a) General function. Subject to appropriation, the  
24 Department of Public Health shall administer the Illinois  
25 Adoption Registry and Medical Information Exchange in the

1 manner outlined in subsections (b) and (c) for the purpose of  
2 facilitating the voluntary exchange of identifying and medical  
3 information between mutually consenting members of birth and  
4 adoptive families. The Department shall establish rules for the  
5 confidential operation of the Illinois Adoption Registry. The  
6 Department shall conduct a public information campaign through  
7 public service announcements and other forms of media coverage  
8 and, until December 31, 2010, through notices enclosed with  
9 driver's license renewal applications, shall inform the public  
10 of the Illinois Adoption Registry and Medical Information  
11 Exchange. From October 1, 2008, to April 1, 2009, such  
12 information campaign shall expressly inform the public of the  
13 circumstances under which an adult adopted or surrendered  
14 person may receive a non-certified copy of his or her original  
15 birth certificate and any procedures pursuant to which a birth  
16 parent may file a Birth Parent Preference Form to express his  
17 or her preferences with respect to contact and the release of  
18 identifying information that appears on the original birth  
19 certificate. The Illinois Adoption Registry shall also  
20 maintain an informational Internet site where interested  
21 parties may access information about the Illinois Adoption  
22 Registry and Medical Information Exchange and download all  
23 necessary application forms. The Illinois Adoption Registry  
24 shall maintain statistical records regarding Registry  
25 participation and publish and circulate to the public  
26 informational material about the function and operation of the

1 Registry.

2 (b) Establishment of the Adoption/Surrender Records File.

3 When a person has voluntarily registered with the Illinois  
4 Adoption Registry and completed an Illinois Adoption Registry  
5 Application or a Registration Identification Form, the  
6 Registry shall establish a new Adoption/Surrender Records  
7 File. Such file may concern an adoption that was finalized by a  
8 court action in the State of Illinois, an adoption of a person  
9 born in Illinois finalized by a court action in a state other  
10 than Illinois or in a foreign country, a surrender taken in the  
11 State of Illinois, or an adoption filed according to Section  
12 16.1 of the Vital Records Act under a Record of Foreign Birth  
13 that was not finalized by a court action in the State of  
14 Illinois. Such file may be established for adoptions or  
15 surrenders finalized prior to as well as after the effective  
16 date of this amendatory Act. A file may be created in any  
17 manner to preserve documents including but not limited to  
18 microfilm, optical imaging, or electronic documents.

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

22 (1) The General Information Section and Medical  
23 Information Exchange Questionnaire of any Illinois  
24 Adoption Registry Application or a Registration  
25 Identification Form which has been voluntarily completed  
26 by any registered party.

1           (2) Any photographs voluntarily provided by any  
2 registrant for any other registered party at the time of  
3 registration or any time thereafter. All such photographs  
4 shall be submitted in an unsealed envelope no larger than 8  
5 1/2" x 11", and shall not include identifying information  
6 pertaining to any person other than the registrant who  
7 submitted them. Any such identifying information shall be  
8 redacted by the Department or the information shall be  
9 returned for removal of identifying information.

10           (3) Any Information Exchange Authorization, ~~or~~ Denial  
11 of Information Exchange, or Birth Parent Preference Form  
12 which has been filed by a registrant.

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

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

18           (6) Any proof of death that ~~which~~ has been submitted by  
19 a registrant.

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

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

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

26           (10) Any Request for a Non-Certified Copy of an

1       Original Birth Certificate that has been filed with the  
2       Registry by an adult adopted or surrendered person or by a  
3       surviving adult child or surviving spouse of a deceased  
4       adopted or surrendered person who has registered with the  
5       Registry.

6       (d) An established Adoption/Surrender Records File for an  
7       adoption filed in Illinois under a Record of Foreign Birth that  
8       was not finalized in a court action in the State of Illinois  
9       shall be limited to the following items submitted to the State  
10      Registrar of Vital Records under Section 16.1 of the Vital  
11      Records Act, to the extent that they are available:

12           (1) Evidence as to the child's birth date and  
13      birthplace (including the country of birth and, if  
14      available, the city and province of birth) provided by the  
15      original birth certificate, or by a certified copy,  
16      extract, or translation thereof or by other document  
17      essentially equivalent thereto (the records of the U.S.  
18      Immigration and Naturalization Service or of the U.S.  
19      Department of State to be considered essentially  
20      equivalent thereto).

21           (2) A certified copy, extract, or translation of the  
22      adoption decree or other document essentially equivalent  
23      thereto (the records of the U.S. Immigration and  
24      Naturalization Service or of the U.S. Department of State  
25      to be considered essentially equivalent thereto).

26           (3) A copy of the IR-3 visa.

1           (4) The name and address of the adoption agency that  
2           handled the adoption.

3           (Source: P.A. 94-173, eff. 1-1-06; 94-430, eff. 8-2-05; 95-331,  
4           eff. 8-21-07.)

5           (750 ILCS 50/18.06)

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

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

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

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

14          "Adult Adopted or Surrendered Person" means an adopted or  
15          surrendered person 21 years of age or over.

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

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

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

1 "Birth mother" means the biological mother of an adopted or  
2 surrendered person.

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

5 "Birth Parent Preference Form" means the form prepared by  
6 the Department of Public Health pursuant to Section 18.2  
7 completed by a birth parent registrant and filed with the  
8 Registry that indicates the birth parent's preferences  
9 regarding contact and the release of his or her identifying  
10 information on the non-certified copy of the original birth  
11 certificate released to an adult adopted or surrendered person  
12 or to the surviving adult child or surviving spouse of a  
13 deceased adopted or surrendered person who has filed a Request  
14 for a Non-Certified Copy of an Original Birth Certificate.

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

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

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

21 "Confidential Intermediary" means an individual certified  
22 by the Department of Children and Family Services pursuant to  
23 Sec. 18.3a(e).

24 "Denial of Information Exchange" means an affidavit  
25 completed by a registrant with the Illinois Adoption Registry  
26 and Medical Information Exchange denying the release of