

The Basics of Adoption Court for Self-Represented Litigants

Petition Requirements

Adoption is the process by which a parent-child relationship is created. To start the legal process a petition for adoption must be filed. A single person may adopt. If the petitioners are married or in a civil union, they must adopt together unless they have been living separate and apart from one another for 12 months or longer. In stepparent adoptions, the biological parent must also be a petitioner.

The petition for adoption must have a caption identifying the Circuit Court of Cook County, County Department, County Division and the names of the petitioners and minor child (ren) to be adopted. The petition at a minimum must allege the following: (1) the names of the petitioners, their relationship to one another, where they live and for how long; (2) the name(s) of the child(ren) being adopted with date of birth and place of birth identified (be prepared to provide the Court with a copy of the birth certificate(s)); (3) the name of the biological mother and her address (if deceased provide death certificate); (4) depending on the facts of your case, the name of the biological father, legal father, and any putative father (*i.e.*, may be the child's father but is not married to the child's mother and has not established paternity in any court proceeding) along with last known address (if deceased provide death certificate); (5) if the father is unknown, the petition must so state; (6) whether the biological parents will consent to the adoption, or if unwilling to consent, allege how they are unfit as defined by the Illinois Adoption Act , 750 ILCS 50/1D(a)- (t); (7) whether the petitioners have custody of the child or whether there are any other court orders which have been entered which affect the custody, adoption or parental rights of the petitioners (*i.e.*, attach letters of office if you are the guardian or provide parentage orders); (8) state that you are reputable people with sufficient ability and financial means to rear, nurture and educate the child(ren) in a suitable and proper manner; and (9) the name you would like the child(ren) to have when the adoption is finalized.

Samples of adoption petitions may be found in the *IICLE on Illinois Adoption Law* (check the law library on the 29th floor of the Daley Center), or on the Cook County Court website (www.cookcountycourt.org) by clicking on the Adoptions tab which will take you to a link to Illinois Legal Aid (www.illinoislegalaid.org) which has draft petitions.

The petition for adoption must be signed by the petitioners. You must also certify that the statements set forth in the petition are true and correct. The petition is then filed on the 12th floor of the Daley Center along with payment of the required filing fee.

Initial Presentment Before the Court

After filing the petition you will be assigned to one of four adoption calendars. Adoption matters are scheduled for 9:30am or 1:30pm in Courtroom 1703. Calendar 4 cases are heard on Mondays, Calendar 5 cases are heard on Tuesdays, Calendar 9 cases are heard on Wednesdays and Calendar 10 cases are heard on Thursdays. You can schedule the initial presentment by dropping off a courtesy copy of your filed petition with the adoption case coordinator, Ms. Gloria Contreras, in Room 1701, or by contacting her at CJCAL3@cookcountyil.gov or 312-603-2492.

At the initial presentment, the petitioners and the minor child(ren) must personally appear before the judge. Bring valid state photo identification for adults and state or school identification for children 14 or older. Minors age 14 or older will have to sign a **Consent** to the adoption before the judge. You must also prepare a **Case Management Order** and an **Interim Order** to give to the judge. These forms are available on the Court's website.

Generally, at the initial presentment the court will appoint a guardian ad litem ("GAL") to represent the best interests of the minor child. Petitioners are responsible for paying the GAL's fees. The fees are set by the Court.¹ Petitioners must also complete an "**Affidavit in Support of the Petition to Adopt.**" This form is also available on the Court's website. Make sure all the information you provide is detailed and accurate. The original affidavits must be provided to the GAL (the GALs have mail slots located outside room 1701 and their contact information is provided on sheets located inside Courtroom 1703). Be aware that the GAL will request additional documentation from you which may include, but is not limited to, photo identification, birth certificates, death certificates, marriage licenses, divorce decrees, financial information (pay stubs, W2's), medical information and explanation of criminal history.

If neither petitioner is related to the child the Court in its discretion may appoint a licensed child welfare agency or the Cook County Department of Adoption and Family Supportive Services to serve as investigator. Petitioners are responsible for paying the investigative agency's fee.

Background Checks

The Court requires all adoptive parents (except biological or legal parents) to submit to a fingerprint based background check (FBI and State) as well as a child abuse and sex offender registry check. Any adult living in the home of the petitioners must also submit to a background

¹Administrative Order 15-21 sets the GAL fees. As of March 2017, the fees for related adoptions are \$250.00. If the GAL is also appointed investigator in a related adoption the fee increases to \$325.00. In agency adoptions, the GAL fee is \$250.00. The GAL fee is \$25.00 for petitioners with fee waivers. Note that the fees are subject to change at the Court's discretion.

check. The background check results must be sent to the GAL who will then provide the results to the judge. The GAL and the judge may ask for an explanation of any criminal or child abuse history. Many petitioners have their fingerprint based background check performed at Accurate Biometrics. Contact www.accuratebiometrics.com for locations and payment information.

Service of the Petition and Checking the Putative Father Registry

It is petitioners' responsibility to obtain service of the petition on the biological /legal/putative parents. If the parties to be served are located in Cook County, the summons, petition and required fee are delivered to the Cook County Sheriff for service. The Sheriff is located on the 7th floor of the Daley Center and summons may be obtained on the 12th floor of the Daley Center. If a party is located outside of Cook County, petitioners can seek appointment of a special process server by motion filed with the Court or make arrangements with the Sheriff of the County where the party to be served is located.

Notice to biological, legal, putative and unknown parents may be given by publication if a biological parent's name or whereabouts are unknown. There is a fee for publishing such notice in the *Chicago Daily Law Bulletin*. The *Law Bulletin* is located on the 10th floor of the Daley Center. Where there is no father listed on the birth certificate, the petitioners must request a search of the Putative Father Registry to make sure that there is no father who has requested notice of the adoption. The request must be made thirty days after the child to be adopted was born. DCFS maintains this registry and there is a charge associated with the registry search.

Termination of Parental Rights

The Court may not finalize the adoption until all the rights of the non-petitioning biological/legal/putative parents have been terminated. These individuals, who are parties to the adoption proceeding, must be given notice of the adoption either through personal service or publication in the newspaper.

In many cases, these individuals will appear in Court and voluntarily consent to the termination of their parental rights. The Court takes Consents Monday through Thursday at 9:30am and 1:30pm and Fridays at 10am in Courtroom 1703. Consenting parents must bring valid government issued identification and be prepared to give sworn testimony before the Court. Fathers may also waive their parental rights by completing a Waiver before a notary public and filing the original Waiver with the Court. Both Consent and Waiver forms are located on the Cook County Court website.

If the parent is unknown or cannot be located after a diligent search, you may ask the Court to terminate parental rights by default. Prior to the Court granting such relief you must do the following:

- (1) File a written Motion for Default outlining why a parent could not be located and what steps you took to locate them. You must also file a Notice of Motion which sets the date and time for your court appearance and motion for default to be heard by the judge. You must serve both the notice of motion and the motion for default on the GAL, any parties who have appeared and the Court. Set the motion for your assigned calendar. For example, if assigned to Calendar 10, your motion must be set for a Thursday at 9:30am or 1:30pm.
- (2) Prepare an Affidavit of Due Diligence which you must attach to the motion. This affidavit is drafted by petitioners and must be notarized. All search results must be printed out and attached to the affidavit. In this affidavit you detail with specificity all actions taken to locate a parent. You must perform an internet based search and print out all the results. You must search the databases of the federal bureau of prisons and any applicable county jails (such as Cook County) or State prisons (such as IDOC) and print out your search results. You must check social media and print out your results. You must detail if you know any family members, friends or co-workers and if you attempted to obtain information from these sources.
- (3) Prepare a Military Affidavit. You must make sure that the parent is not serving in the military. Check the Department of Defense Manpower database and print out the actual search results.
- (4) Attach the Certificate of Publication from the *Chicago Daily Law Bulletin*
- (5) Attach the Certification from the Putative Father Registry
- (6) Provide the Court with a draft Default Order which terminates parental rights. There are sample default orders in the *IICLE on Illinois Adoption Law* (law library 29th floor of the Daley Center).
- (7) Appear in Court on the scheduled date to present your motion and answer the judge's questions. Understand that if any information is missing, or the Court believes your proof to be lacking, you will be ordered to perform more diligence and another court appearance will be necessary.

Finalization

After the rights of all non-petitioning parents have been terminated, and the Court receives a favorable report from the GAL and investigator (if an investigator was appointed in your case), the Court will finalize the case and enter a final judgment order of adoption. The Judgment Order for Adoption establishes the petitioners as the legal parents of the child. In the final judgment order of adoption, the child's name is formally changed to the name requested by the petitioners. Sample judgment orders are available in the *IICLE on Illinois Adoption Law* .