

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER b: PROGRAM AND TECHNICAL SUPPORT

PART 333
INTERCOUNTRY ADOPTION SERVICES

Section

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AUTHORITY: Implementing and authorized by the Child Care Act of 1969. (Ill. Rev. Stat. 1981, ch. 23, pars. 2211 et seq.); "AN ACT creating the Department of Children and Family Services, codifying its powers and duties, and repealing certain Acts and Sections herein named" (Ill. Rev. Stat. 1981, ch. 23, pars. 5001 et seq.); the Interstate Compact on the Placement of Children, (Ill. Rev. Stat. 1981, ch. 23, pars. 2601 et seq.); "AN ACT in relation to the adoption of persons, and to repeal an act therein named" (Ill. Rev. Stat. 1981, ch. 40, pars. 1501 et seq.) and implementing the Immigration and Nationality Act of 1952, (8 U.S.C. 1101 et seq.).

SOURCE: Adopted and codified at 6 Ill. Reg. 14513, effective November 22, 1982.

Section 333.1 Purpose

The purpose of this rule is to establish appropriate jurisdictional responsibility for intercountry adoptive placements, to outline the requirements of the intercountry adoption process and, to ensure that children from a foreign country who are being placed for adoption in Illinois receive the same rights and protections during an adoptive placement as children who are born in this country.

Section 333.2 Definitions

"Adoption disruption" occurs when an adoptive placement does not prove successful and it becomes necessary for the child to be removed from placement before the adoption is finalized.

"Foreign placing agency" is an agency or individual operating in a country or territory outside the United States which is authorized by its country to place children for adoption either directly with families in the United States or through U.S. based international agencies.

"Intercountry adoption" is a process by which a child from a country other than the United States is adopted.

"Intercountry adoption coordinator" is a staff person of the Department appointed by the Director to coordinate the provision of services by the public and private sector

to prospective parents of foreign-born children.

"Interstate Compact on the Placement of Children" is a law enacted by most states, for the purpose of establishing uniform procedures for handling the interstate placement of children in foster homes, adoptive homes, or other child care facilities.

"Non-Compact State" means a state which has not enacted the Interstate Compact on the Placement of Children.

"Pre-adoption requirements" are any conditions established by the laws and/or regulations of the Federal Government or of each state that must be met prior to the placement of a child in an adoptive home.

Section 333.3 Authorization of Child Placing Agencies/Agents

- a) In order to place a foreign born child in the State of Illinois for the purpose of adoption:
 - 1) an in-state agency must be licensed as a child welfare agency as defined by Illinois law.
 - 2) agencies in Interstate Compact States must be licensed as a child placing agency by the state in which they are located and must comply with the Interstate Compact on the Placement of Children.
 - 3) all foreign placing agencies must submit:
 - A) a license or court documents which authorize that agency to place children for adoption.
 - B) sample documents and supportive material that document their procedures for working with Illinois families and ability to meet the Illinois pre-adoption requirements listed in Section 333.4.
- b) The Department shall give due consideration to the substitution of specific required documents where, for good reason, non-U.S. based placing agencies are unable to meet the established requirements for qualifications as an authorized agency.
- c) A person, agency or organization other than a licensed child care institution or child welfare agency, may not receive a foreign child without prior notice to and approval of, the Department.
- d) Any placing party which knowingly or repeatedly submits incomplete, inaccurate, false or is representative credentials or information regarding children shall be precluded from placing children in the State of Illinois. Such placing party may again be authorized by approval of the Intercountry Adoption Coordinator, upon satisfactory proof that such practices have been eliminated.

Section 333.4 Illinois Pre-Adoptive Requirements

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- a) When a foreign-born child is brought to the United States for adoption in Illinois, the following pre-adoption requirements must be met:
- 1) The placing agency must be authorized by the Department to place in Illinois.
 - 2) documentation that the child is legally free for adoption prior to entry into the United States must be submitted.
 - 3) A medical report on the child, by authorized medical personnel in the country of the child's origin must be provided when such personnel are available.
 - 4) Verification of foster home licensing of the adoptive family must be provided.
 - 5) A valid home study conducted by a licensed child welfare agency, that is in compliance with guidelines established by the Immigration and Naturalization Services of the United States (8 CFR Section 204.4(d)(2)(i) must be submitted. A home study is considered valid if it contains:
 - A) A factual evaluation of the financial, physical, mental and moral capabilities of the prospective parent or parents to rear and educate the child properly.
 - B) detailed description of the living accommodations where the prospective parent or parents currently reside.
 - C) A detailed description of the living accommodations in the United States where the child will reside, if known.
 - D) A statement or attachment recommending the proposed international adoption signed by an official of the child welfare agency which has conducted the home study.
 - 6) The placing agency located in a non-Compact state, or a family desiring to adopt through an authorized placement party in a non-Compact state or a foreign country, shall place a \$5,000 bond as protection that a "foreign-born child accepted for care or supervision not become a public charge upon the State of Illinois." The bond shall be required until the date of the finalization of the adoption.
 - 7) In lieu of the \$5,000 bond the placement agency may sign a binding agreement with the Department of Children and Family Services to assume full liability for all placements should, for any reason, the adoption be disrupted or not be completed, inclusive of financial and planning responsibility until the child is either returned to the country of its origin or re-placed with a new adoptive family in the United States and that adoption is finalized.

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- 8) Compliance with Interstate Compact on the Placement of Children requirements, when applicable.
- b) When a child is adopted in a foreign country and a final, complete and valid Order of Adoption is issued, as determined by both the U.S. Department of State and the U.S. Department of Justice, there are no Illinois pre-adoption requirements. The family, however, must comply with Federal requirements (8 CFR Section 204.2(d)(2)(ii)).

Section 333.5 Guardianship

The prospective adoptive parents may be named guardian of the child. When prospective parents are named guardian by a foreign court, the parents must immediately file an adoption petition in an Illinois court requesting that the court, as part of its interim order, recognize their guardianship and also appoint a guardian ad litem with the power to consent to adopt as provided by the Adoption Act.

Section 333.6 Pre-Placement, Home Study and Post Placement Services

- a) The Coordinator of Intercountry Adoptions shall coordinate the provision of services by the public and private sectors to prospective Illinois adoptive parents of foreign-born children. Such services shall include:
 - 1) providing information on the intercountry adoptive process, listings of Illinois licensed child welfare agencies, authorized foreign child-placing agencies and adoptive parent support groups.
 - 2) granting authorization to child placing agencies meeting the Illinois requirements, seeking to expand the availability of such agencies and encouraging the Illinois private sector to provide intercountry adoptive services.
 - 3) notifying the Immigration and Naturalization Services when prospective adoptive parents have complied with the Illinois pre-adoption requirements and/or completed a valid home study by a properly licensed agency.
 - 4) processing documents, correspondence and Immigration certification materials within a reasonable timeframe.
 - 5) assistance in handling a disrupted intercountry child placement.
 - 6) assuring that the child's legal adoption is completed.
- b) To facilitate the adoption process, all intercountry adoptive home studies must be forwarded to the Coordinator of Inter-country Adoptions for verification of compliance with Department guidelines. The home study will be considered valid for a period of one (1) year from the date of the completion of the home study, after which time revalidation to the coordinator by the home study agency must occur.
- c) To provide alternative avenues open to prospective families in geographic areas of the state where the public or private sector cannot fulfill the service requests relating

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to foreign adoptions, the Department of Children and Family Services may:

- 1) utilize Department staff or establish a contractual relationship with certified social workers who have prior experience in the field of child placements.
 - 2) establish specified fees for the services if provided by the Department of Children and Family Services in the event the Department can no longer provide adoptive home studies and postplacement services free of charge.
- d) The agency monitoring the adoption must submit a copy of the Judgment of Adoption to the Coordinator of Intercountry Adoptions within 30 days of finalization of the adoption.