



GUIDE FOR ADOPTIVE/GUARDIANSHIP PARENTS

4/1/2023

As a foster parent, you will need to select an attorney to represent you in the adoption/guardianship of your foster child/ren. This information will help guide you on how to select an attorney and what to expect from your attorney.

HOW TO CHOOSE AN ADOPTION/GUARDIANSHIP ATTORNEY

DCFS and private agency staff are not permitted to refer adoptive/guardianship parents to specific attorneys. You are the client, and you get to choose your attorney.

- If you don't know who you want to hire, get the current list of lawyers who are on the Panel (see link below).
- You can also get a Panel list by calling the DCFS Advocacy Office for Children and Families at **(800) 232-3798** or by checking the DCFS web site at:
https://www2.illinois.gov/dcfs/lovinghomes/adoption/Documents/Adoption_Attorney_Panel.pdf
- The Panel is comprised of attorneys with experience in adoption/guardianship law and who meet these criteria:
 - active/current license to practice law in Illinois and no pending/recent disciplinary matters; in good standing with the Illinois Attorney Registration and Disciplinary Commission (ARDC);
 - malpractice insurance coverage and expertise in adoption/guardianship law; and
 - completed DCFS training on reviewing adoption/guardianship subsidies;
- **Note:** if you are becoming the **guardian** of your child and live in **Cook County**, DCFS Legal will handle the guardianship hearing. Cook County guardianship families can still have a Panel attorney review their subsidies.
- **A Panel attorney cannot charge you any out of pocket fees or court costs** for completing the adoption/guardianship. All the fees & costs will be directly billed to DCFS.
- If you're not sure who to hire, choose a few attorneys in your area on the list and call them. Explain that you need an adoption/guardianship attorney and that you have some questions before making a final decision. Some things to consider:
 - How many adoptions/guardianships has the lawyer done in the last year? Ideally, the lawyer will have done at least a few.
 - In which county does the attorney usually practice? If the attorney is in a different county than you, will the attorney travel to your county or you to theirs?
 - Will your court appearance be in-person or are Zoom hearings an option?
 - Ask the attorney to explain the legal process.
 - For adoption cases, your petition can be filed in any county, but for guardianship cases, your petition must, in general, be filed in the county in which you live.
- If your attorney is on the Panel, your attorney must review your subsidy agreement with you before the adoption/guardianship is finalized. If subsidy changes are needed, your attorney can negotiate them.

For Non-Panel Attorneys:

- If you choose an adoption/guardianship **attorney who is not on the Panel**, you will first need to finalize your adoption or guardianship case, pay your attorney, and then seek reimbursement from DCFS. *See page 2 for further information.*
- Check the Illinois Attorney Registration and Disciplinary Commission website <https://www.iardc.org/> to confirm that the attorney has an active/current license to practice law and that they do not have any pending/recent disciplinary matters. You should ask your non-panel attorney all the same questions as suggested above.

HOW TO RECEIVE REIMBURSEMENT FROM DCFS IF YOU USE A NON-PANEL ATTORNEY:

If you use a non-Panel attorney in Illinois, you must pay the attorney fees and court costs out of pocket first. After the adoption/guardianship is finalized, you can then request reimbursement from DCFS. Effective July 1, 2022, the **maximum** amount DCFS will pay for non-recurring expenses is \$2,250 per child. This includes all legal fees, court costs and attorney fees. Some non-Panel attorneys may charge clients more than \$2250 per child.

To request reimbursement, you must submit the following documentation to DCFS:

1. Itemized invoice from the adoption/guardianship attorney;
2. Invoice from the guardian ad litem (GAL) for the adoption/guardianship case, if one was appointed by the court and you wish to be reimbursed for the cost;
3. Proof of your payments, such as copies of the fronts and backs of the cancelled checks or a copy of your credit card bills (redact your personal information);
4. Copy of the signed DCFS 1800-D Payment to Attorney form, signed by you (adoptive/guardianship parents) and the attorney;
5. Copy of the approved/signed 1800-C-A or 1800-C-G Adoption/Guardianship Assistance Agreement/subsidy form;
6. Adoption cases: copy of the Petition for Adoption that was filed in court and the final Judgment Order of Adoption, court stamped/signed by the judge.
Guardianship cases: copy of the Guardianship Order, signed by the judge/court stamped, and
7. Adoption: copy of the new birth certificate; or the application for the new birth certificate, signed by you (adoptive parents) and court personnel.

Send the above-listed documentation and your request for reimbursement to:

DCFS Adoption Unit by email: DCFS.attorneyproviderdocuments@illinois.gov

Or by mail to:

4th Floor, 1921 S. Indiana Blvd.
Chicago, IL 60616

Follow up questions – **Phone: 866-538-8892**

Note About Fiscal Year Payments -

Fiscal years in Illinois start on July 1 and go through June 30 of the next year. For example, FY2023 started on July 1, 2022, and goes until June 30, 2023. For adoptions that are finalized between July 1, 2022 – June 30, 2023, you should submit your request for reimbursement by July 15, 2023.

If you miss the deadline, you can still get your reimbursement, but you may need to go through an administrative process with the Illinois Court of Claims. No actual court appearance is required but there is paperwork to fill out and the process takes several months. It is much easier and quicker to submit your request with all the supporting documentation to the DCFS adoption unit before the funding for the fiscal year lapses.

Adoptive/Guardianship Parents Who Live Outside of Illinois:

If you are adopting or becoming a guardian of a subsidy-eligible child in care who is from Illinois and you live in another state, generally you can adopt/assume guardianship in the state where you live. For adoption, you have the option to do it in Illinois **or** the state in which you live. For guardianship, you must file in the state in which you live.

If you adopt/do guardianship in your own state, DCFS will pay your attorney directly (up to the maximum per child of \$2250, including court fees, filing and attorney fees for adoption or guardianship) if the attorney agrees to wait for payment until after the adoption is finalized. If you pay the attorney and court costs out of pocket, you must request reimbursement from DCFS after the adoption/guardianship is finalized (see above section re: requesting reimbursement).