State of Illinois
Department of Children and Family Services

# BIRTH PARENTS' RIGHTS AND RESPONSIBILITIES IN ILLINOIS FOR FINAL AND IRREVOCABLE CONSENTS TO ADOPTION BY A SPECIFIED PERSON OR PERSONS - DCFS Cases

Parent's Name: _____

Child's Name: _____

Child's Date of Birth: _____ Child's DCFS ID Number: _____

The information contained in this document refers to the rights of birth parents of children in whose interests a case pursuant to Article II of the Juvenile Court Act is pending. While this document provides parents with general information about Final and Irrevocable Consents to Adoption by a Specified Person or Persons in DCFS cases, it does not constitute legal advice. Legal advice is dependent on the unique circumstances of each case and should only be provided by a competent lawyer.

## YOUR RIGHTS AS A BIRTH PARENT

**As a parent in Illinois, you have the right to:**

1. Consult with an attorney prior to signing a Specific Consent to adoption for purposes of adoption**.**
2. Be treated with dignity and respect at all times.
3. Make decisions free from coercion or pressure.
4. Confidentiality: no one can share your identifying information without your permission unless required to do so by Illinois law or directed by a court order, but your and your families' non-identifying social, medical, and mental health information will be shared pursuant to law.
5. Receive a packet of information regarding the Illinois Adoption Registry and Medical Information Exchange to facilitate the voluntary exchange of identifying and medical information between mutually consenting members of birth and adoptive families.
6. You can ask to speak with your child's adoptive parents about what type of contact you may have with your child after the adoption. However, any agreement or promises regarding your ability to have contact with your child or receive information after the finalization of the adoption cannot be enforced under Illinois law.
7. Receive copies of all documents that you sign and have them provided to you in your preferred language.
8. You may be able to include your family and friends in any meetings you have with your caseworker or attorney if you so desire.

Birth Parent's Initials _____



Witness' Initials _____

**SPECIFIC CONSENTS FOR ADOPTION**

*Final and Irrevocable Consent to Adoption by a Specified Person or Persons:* This is usually referred to as a Specific Consent or a Directed Consent. You may sign a Specific Consent for your child to be adopted by his/her foster parents/relative caregivers if your child is already placed with them and if they are approved by DCFS and certain other criteria are satisfied. A Specific Consent is valid only for the named adoptive parent(s) to adopt your child. After you sign a Specific Consent, you CANNOT revoke it or change your mind and it will never expire.

Your Specific Consent will continue to be valid even if:

(a) the specified persons named as adoptive parents get a divorce or are granted a dissolution of a civil union before the adoption is finalized. In this case, the Specific Consent form will identify which person can adopt the child;
(b) one of the specified persons dies before the adoption is finalized. In this case the surviving person can adopt the child;
(c) a petition for adoption is filed by someone other than the specified person or persons. DCFS will notify you of any such petition within 14 days after becoming aware of it.

Your Specific Consent will become void if:

(a) DCFS places your child with someone other than the specified person or persons; or
(b) a court denies the adoption petition for the specified person or persons to adopt your child; or
(c) the DCFS Guardianship Administrator refuses to consent to your child's adoption by the specified person or persons on the basis that the adoption is not in your child's best interest.

If your Specific Consent becomes void, you will have parental rights to your child subject to any court orders. For example, if an order exists placing your child in DCFS guardianship, that order will remain in effect until the court orders otherwise. If your Specific Consent becomes void your parental rights will continue unless you sign a new Consent or Surrender, or your parental rights are involuntarily terminated. If your Specific Consent becomes void, DCFS will use the contact information you have provided on the Consent form to notify you within 30 days. Once you receive notice, you should contact DCFS immediately if you wish to have input into your child's future.

**Note**: Even if you do not sign a Specific Consent or Surrender to your child's adoption, the court may be able to terminate your parental rights. Involuntary termination of your parental rights is discussed below.

**IMPORTANT FACTS ABOUT SPECIFIC CONSENTS FOR ADOPTION**

- Once a Specific Consent for adoption has been signed, it is final and irrevocable. You may not change your mind, or revoke this consent. Similarly, it will never expire or convert into any other type of consent or surrender. If your child's other parent has also signed a Specific Consent or Surrender for adoption or his or her parental rights are terminated, it renders your child available for adoption and you will no longer have any rights over your child (unless a consent becomes void).

- If you have any doubt about your decision to sign a Specific Consent to your child's adoption, you have the right to refuse to sign it.

Birth Parent's Initials _____

Witness' Initials _____

- Birth Mother's Identification of Birth Father: If you are the birth mother, in order to have a secure adoption plan, it is in the best interests of your child for you to identify the child's father. You have an obligation to truthfully identify your child's birth father when your child is in foster care. Please correctly identify the father of the child unless you absolutely do not know his identity or believe you have good cause to fear for your physical safety. Every child deserves to know their family of origin if they so choose; identifying your child's father is important because your child ought to know his or her biological and family history.

- When you sign an Illinois Specific Consent to adoption, as a birth mother, you will also fill out an "Affidavit of Identification" that identifies the father of your child. This affidavit is considered by the court to be a sworn statement by you and serves as proof of the father's identity.

**BIRTH PARENT RESPONSIBILITIES**

1. You have the responsibility to provide your current address and telephone numbers to DCFS. You need to continue to give your caseworker/DCFS information about how to contact you in the future as long as your child's Juvenile Court case remains open. If you do not notify DCFS about changes in your contact information, you may not receive notification if your Specific Consent becomes void or if it becomes necessary for your child to be moved to a different placement.

2. You have the responsibility to work cooperatively and honestly with the agency that handles your case.

3. Birth mothers must accurately complete an Affidavit of Identification which identifies the father of the child.

4. You have the responsibility to provide as much medical background and health history information on yourself and your immediate family as possible so that the adoptive family and your child will have this invaluable information.

**INVOLUNTARY TERMINATION OF PARENTAL RIGHTS**

If your Specific Consent becomes void, several different things could happen regarding your child's future. Every situation is different. A plan other than adoption could be developed for your child. Or, if your child is moved to a different pre-adoptive home, you could decide to sign a Specific Consent for the new foster parents to adopt your child. Or, the State's Attorney could ask the court to involuntarily terminate your rights. You should talk to your attorney about this! Your attorney or you will be notified of any proceeding to terminate your parental rights. If you receive this notice it very important that you respond immediately.

If you are opposed to having your parental rights involuntarily terminated, an attorney will represent you in an effort to keep the state from doing so. If you cannot afford to hire a lawyer, the judge will appoint one to represent you. If you don't keep in touch with your attorney and your caseworker, your parental rights can be terminated without your agreement or participation. If you agree that it is best for you to no longer parent your child, you should consider consenting to your child's adoption or private guardianship.

In a termination of parental rights hearing the court must decide two things:

*1 Whether the Parents are Unfit:* There are many reasons that the court may find you to be an unfit parent and terminate your parental rights.

Birth Parent's Initials _____

Witness' Initials _____

2 *Whether it is in the Child's/Children's Best Interests to Terminate Parental Rights:* If the court finds that you are unfit as a parent, the court will also hear evidence regarding whether it is in the best interests of your child for your rights to be terminated.

If the court terminates your parental rights and that of your child's other parent, (or the other parent has signed a consent to adoption for the child or is deceased), your child will be available for adoption. You will no longer have any rights over your child. DCFS will continue to be responsible for your child, and can determine where your child will live and who will be permitted to adopt your child.

**RESOURCES**

**MIDWEST ADOPTION CENTER (MAC):** Midwest Adoption Center provides services to help birth parents try to connect with their children who were adopted through DCFS. There is NO FEE for this service.

While your birth child is under 21 years of age, you can request that MAC try to locate the adoptive parent(s), and if the adoptive parent agrees, help you connect in whatever way is comfortable for you and the adoptive parent.

Once your child is 21 years of age, you can request that MAC attempt to locate your birth child directly and ask him if he would like a connection with you. You might agree to exchange information through the MAC caseworker, exchange emails or letters or have face to face contact.

**THE ILLINOIS ADOPTION REGISTRY AND MEDICAL INFORMATION EXCHANGE:** Your agency should provide you with information about the Adoption Registry, which provides a way for you to authorize or prohibit the release of identifying information, including a copy of your child's original birth certificate, to others involved in their surrender or adoption In addition to making your wishes known about release of your child's original birth certificate, the Registry can facilitate the exchange of confidential information between those who register and after at least two specified parties to the adoption have each filed an explicit mutual consent for the exchange of this information. Website: www.idph.state.il.us/vitalrecords/adoptioninfo.htm or telephone 877-323-5299.

**NORTH AMERICAN COUNCIL ON ADOPTABLE CHILDREN (NACAC)** Website: www.nacac.org/ 970 Raymond Avenue, Suite 106 St. Paul, MN 55114 Telephone: 651-644-3036

**CHILD WELFARE INFORMATION GATEWAY** A division of the Children's Bureau, Administration for Children and Families, U.S. Department of Health and Human Services website: www.childwelfare.gov/

Birth Parent Signature: _____ Date: _____

Birth Parent's Printed Name: _____

Witness' Signature: _____ Date: _____

Witness' Printed Name: _____

Birth Parent's Initials _____

Witness' Initials _____