



GUIDE FOR DCFS ADOPTIVE/GUARDIANSHIP PARENTS

HOW TO CHOOSE AN ADOPTION/GUARDIANSHIP ATTORNEY

As a foster parent of a child in care, if you are going to adopt or become the guardian of your child, you will need to choose an attorney to represent you in the adoption or guardianship proceeding. Your caseworker or adoption worker will let you know when the timing is right to do this. DCFS and private agency staff are not permitted to refer adoptive/guardianship parents to specific attorneys.

- If you don't know who you want to hire, get the current list of lawyers who are on the DCFS Statewide Adoption/Guardianship Attorney Panel. You can get a current Panel list by checking the DCFS web site at: <https://dcfs.illinois.gov/content/dam/soi/en/web/dcf/documents/loving-homes/adoption/documents/adoption-attorney-panel.pdf>
- The Panel is comprised of attorneys with experience in adoption/guardianship law and subsidy reviews.
- **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. (Exception: if you want more than 1 new birth certificate, you will pay that fee)

Adoption cases:

- For adoptions, your attorney can file your Petition for Adoption in any county.

Guardianship cases:

- For guardianships, if the Juvenile Court case is in Cook County, your Petition for Guardianship will be handled by a DCFS Regional Counsel/attorney in Cook County. You can choose a Panel attorney to review your subsidy, but they will not need to do the court hearing.
- For guardianships where the Juvenile Court case is in any county outside of Cook, your Petition for Guardianship will be filed in the county where you live by a Panel attorney.
- When choosing a Panel attorney for a guardianship case outside of Cook, be sure to check that your attorney can file your petition in the county in which you live.

For Non-Panel Attorneys:

- If you choose an adoption/guardianship **attorney who is not on the DCFS Panel**, you will first need to finalize your adoption or guardianship case, pay your attorney plus any court costs, and then seek reimbursement from DCFS. *See page 2 for further information.*

Adoptive/Guardianship Parents Who Live Outside of Illinois:

- ✓ If you are **adopting** a subsidy-eligible child in care who is from Illinois and you live in another state, you can adopt in the state in which you live **or** in Illinois.
- ✓ If you are the proposed **guardian** for a subsidy eligible child from Illinois and you live in another state, your guardianship petition must be filed in the state and county in which you live.
- ✓ If you are going to adopt/complete a guardianship in your own state outside of Illinois, **do not** hire an Illinois attorney. Choose an attorney in your local community. DCFS can pay your local attorney directly, up to the maximum per child of \$2250, including court fees, filing and attorney fees for the adoption or guardianship, as long as the attorney agrees to wait for payment until after the adoption or guardianship is finalized. If you pay the attorney and/or court costs out of pocket, you must request

reimbursement from DCFS after the adoption/guardianship is finalized, or have the attorney include the costs/payments on her invoice (see below section re: requesting reimbursement).

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

If you live in Illinois and 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. The **maximum** amount DCFS will pay for non-recurring legal expenses is \$2250 per child. This includes all legal fees, court costs and attorney fees. Some non-Panel attorneys may charge more than \$2250 per child.

To request reimbursement, 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/debit card bills (redact your personal information).
4. Copy of the approved/signed 1800-C-A or 1800-C-G Adoption/Guardianship Assistance Agreement/subsidy form.
5. **Adoption** cases: copy of the Petition for Adoption that was filed in court and copy of 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.
6. Adoption: copy of the new birth certificate; or the application for the new birth certificate, signed by you (the adoptive parents) and court personnel.

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

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

Or send by mail to:

DCFS Adoption/Guardianship Unit

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 each year on July 1 and go through June 30 of the next year. For example, FY2025 started on July 1, 2024, and goes until June 30, 2025. For adoptions that are finalized between July 1, 2024 – June 30, 2025, you should submit your request for reimbursement no later than July 15, 2025.

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 may take several months. You can ask for Court of Claims information at the follow-up number above.

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