

Catholic Charities, Diocese of Joliet, Inc.
203 N. Ottawa Street, Joliet, IL 60432

BIRTHPARENT’S RIGHTS AND RESPONSIBILITIES IN ILLINOIS

If you are receiving adoption planning services or pregnancy counseling from an adoption agency, attorney, or private facilitator in Illinois you should know that you have the following rights according to ethical social work practice and/or Illinois law:

- To make decisions free from coercion or pressure, including the decision of whether or not to place your child for adoption; and
- To be treated with dignity and respect at all times

IF YOU CHOOSE TO PLACE YOUR CHILD FOR ADOPTION, THE ADOPTION CAN BE HANDLED BY A LICENSED CHILD WELFARE AGENCY (an “agency adoption”) OR AN ATTORNEY (a “private adoption”).

PLEASE BE AWARE THAT YOUR RIGHTS IN AN AGENCY DIFFER FROM YOUR RIGHTS IN A PRIVATE ADOPTION AND THOSE DIFFERENCES ARE NOTED BELOW.

You have the following additional rights in both agency adoptions and private adoptions:

1. The right to know your options in the process of deciding whether to place your child for adoption and to work with social service agencies, including those providing public assistance, that may help you provide for your child should you choose to parent your child instead of choosing adoption.
2. The right to confidentiality of your identifying information (unless required otherwise by Illinois law, the express policy of the entity handling the adoption, or unless directed otherwise by court order).
3. The right to be advised that you and your family’s non-identifying social, medical, and mental health information may be shared with adopting parents and will always be shared in an agency adoption.
4. The right to request counseling during the pregnancy and after the birth of your child.

5. The right to ask to be involved in choosing your child's adoptive parents, and to ask to meet them prior to placement, or to choose another agency or entity if your request cannot be honored.
6. The right to ask to participate in an open or closed adoption with your child's adoptive parents, with the understanding that any agreement about openness is not legally binding and that the adoptive parents and the agency do not have an obligation to honor your request.
7. The right to decide on your own hospital plan.
8. **IMPORTANT RIGHTS ABOUT SURRENDERS & CONSENTS TO ADOPTION:**
 - a. **Birthmothers:** Under Illinois law, the first point at which a birth mother may sign Surrender or Consent to adoption is 72 hours after the birth of the baby. Once signed, Surrenders and Consents for adoption are **final** and **irrevocable**.
 - b. **Birthfathers:** A birth father may sign a Surrender or Consent before the child's birth, but may revoke in writing within 72 hours of the child's birth. In order for his revocation to be valid, the written revocation must be given to whoever took the Surrender or Consent. Once the child is 72 hours old, the Surrender or Consent is **final** and **irrevocable**. For more information on birthfather's rights, call the Illinois Putative Father Registry at 800-420-2574 or visit the website www.putativefather.org

A birthparent has the right to refuse to sign a Surrender or Consent for adoption (right up until the last moment before signing) if he or she has hesitation or doubt about his or her decision to place the child for adoption.

9. The right to see your child and exercise parental rights before signing a Surrender or Consent.
10. The right to sign a Surrender or Consent only when you feel comfortable with your decision.
11. The right to be informed of you ability to exchange medical and other background and identifying information through the Illinois Adoption Registry and Medical Information Exchange at 877-323-5299 or www.idph.state.il.us/vitalrecords/adoptioninfo.htm and the Illinois Confidential Intermediary Program at 847-298-9096 or www.ci-illinois.org
12. The right to receive copies of all documents that you sign.
13. The right to have all documents that you are asked to read and sign written in your preferred language.
14. The right to work with an adoption agency or attorney of your choosing, including the right to change to another agency or attorney at any time.

15. The right to include your family and friends in any meetings you have with the agency or attorney if you so desire.
16. The right to receive upon your request a written list of all promised support, financial or otherwise, from the agency or attorney.

Additional Rights for Birthparents when Working with an Adoption Agency:

1. The right to receive a copy of the agency's description of its adoption services, policies, practices, including general eligibility criteria and fees. This includes the right to be informed of the range and scope of services, including:
 - a. Copies of current licenses and certifications
 - b. The agency's philosophy and/or religious affiliation
 - c. Any policy, requirements, eligibility criteria or situation that would affect an agency's placement of your child
 - d. The right to receive a written description of after-placement services that will be available to you, your family, and the adoptive family and any costs for such services
2. The right to full and fair disclosure of all circumstances that are important to the placement of your child for adoption. For example, you have the right to request after-placement communication with your child's adoptive family. However, after-placement arrangements, including those concerning contact and communication are currently **not enforceable** by a court under Illinois law.
3. The right to receive a copy of the agency's annual report.
4. The right to receive a copy of the agency's written grievance/complaint policy.
5. The right to receive information about the Department of Children and Family Services (DCFS) information/complaint registry and the complaint registry toll-free telephone line. <http://www.state.il.us/dcf/index.shtml>
6. The right to ask for legal representation at no cost to you, although having an attorney provided or at your own expense is not required. The right to know if your attorney has any financial or other relationship with the agency.

Additional Rights of Birthparents Who Work toward Private Adoption:

1. The right to verify the status of the attorney's license (you may access this information by calling the Attorney Registration and Disciplinary Commission at 800-826-8625 or accessing its website at www.iardc.org .
2. The right to ask about the attorney's background and experience in adoption law and to expect the attorney to have experience in adoption law.

3. The right to be apprised of any conflict of interest that would affect the attorney’s representation of you. An attorney may not represent both the birthparents and the adoptive parents at the same time.
4. The right to confidentiality of the private information you disclose to your attorney unless you give permission for the private information to be disclosed.
5. The right to seek your own legal counsel if you so choose, and if so, the right to be charged only those legal fees that are reasonable and communicated to you.

Birthparent Responsibilities:

1. If you have received financial assistance during your pregnancy from an agency or prospective parent, you are under obligation to place your child for adoption. You and your family members are under no obligation to repay support received. **However**, you have the responsibility not to receive reimbursement or support for expenses simultaneously from more than one agency or attorney without each agency or attorney’s knowledge.
2. You have the responsibility to work cooperatively and honestly with the entity handling the adoption.
3. You have the responsibility of providing necessary documentation regarding medical records and financial need to make an appropriate determination of expenses.
4. Birthmothers have the affirmative responsibility of completing an Affidavit of Identification regarding the father of their child.

BIRTHPARENT(S)

Signature/Date

Signature/Date

AGENCY OR ATTORNEY

Signature/Date
(Authorized Representative in the case of an agency)

*The information in this document is generally intended to refer to the rights of birthparents in private and agency-assisted adoptions, and does not refer to situations involving adoptions that go through the child welfare system and Juvenile Court. For birthparents who are considering adoption who have cases pending in Juvenile Court, while much of the information contained in this document is still applicable, these birthparents should seek the assistance of their assigned caseworkers and their attorneys.

Birthparent(s) Initials _____ / _____
Witness Initials _____

