

# Kane County Local Rule

---

## ARTICLE 18. ADOPTIONS

### 18.00 PETITIONS

All Adoption matters shall be heard by the assigned Juvenile Court Judge.

*Gen. Order 08-15, eff. Sept. 17<sup>th</sup>, 2008*

### 18.01 TERMINATION OF PARENTAL RIGHTS BY DEFAULT

- (a) Petitioners seeking to default any necessary party to an adoption proceeding based upon service by publication must file a supporting affidavit establishing the action taken that demonstrates honest and well-directed efforts to ascertain the whereabouts of the person sought to be defaulted by such service. Said affidavit shall detail search efforts, including but not limited to, searches of military records, the [Illinois Department of Corrections](#), administrative agencies (i.e., the [State Disbursement Unit](#)), social media, and all other search efforts.
- (b) The factual showing of the inability to serve or locate the person sought to be defaulted has also been defined as a showing of due diligence or more succinctly a showing that would lead a reasonable person to conclude “that kind of search or investigation which a diligent person intent on ascertaining a fact, would usually and ordinarily make.” An affidavit as to military service status of any named person sought to be defaulted must also be filed in all cases where the identity of a putative father has been made known to the Petitioner or any other party to the proceedings.
- (c) Counsel seeking an Order of Default terminating the parental rights of any person should make certain that at the time of service, either personal, substitute or by publication that the complaint on file is legally sufficient to support a termination of parental rights.

### 18.02 CONSENTS

- (a) All consents to adoption shall, whenever practicable, be taken by the Juvenile Court Judge assigned to hear adoption matters. If said Judge is not available, then consents may be taken by another Juvenile Court Judge.
- (b) All consents shall be taken before an official court reporter, when practicable.
- (c) The form of consent shall be pursuant to [750 ILCS 50/10](#) of the Adoption Act.

*Gen. Order 08-15, eff. Sept. 17<sup>th</sup>, 2008*

### 18.03 ADOPTION OF FOREIGN-BORN CHILDREN

- (a) In all cases which seek the adoption of a foreign-born child, strict compliance with [750 ILCS 50/4.1](#) shall be required.
- (b) The petition filed in such cases must state facts which establish the date the proposed adoptee entered the United States and the immigration status of that person.

## Kane County Local Rule

---

- (c) In cases where a child is brought to the United States for the purposes of adoption, the petition must allege facts which establish that the child was legally free for adoption prior to entering the United States and that the placement of the child complies with rules promulgated by the agency of the federal government which regulates immigration and naturalization.
- (d) Compliance with the pleading requirements relating to the availability of the child for adoption found in [750 ILCS 50/4.1](#) shall be presumed in those cases where the petition for adoption establishes that the child sought to be adopted in this Court was the subject of a judgment of adoption entered by a court or civil authority of a foreign country or entered the United States subsequent to the creation of a guardianship in a foreign country which placed the child under the care of said guardian(s) and granted the guardian(s) full authority to place the child with an adoptive family.

### **18.04 SCHEDULING**

- (a) All court dates for adoption matters, shall be scheduled by the Civil Scheduling Department at the Old Courthouse or by Court Order.
- (b) Consent for adoption may be scheduled through the Civil Scheduling Department at the Geneva Courthouse or may be presented to the assigned Juvenile Court Judge while Court is in session.

*Gen. Order 08-15, eff. Sept. 17<sup>th</sup>, 2008*

### **18.05 NOTIFICATIONS**

- (a) Petitioner shall notify the GAL of the order of appointment, pursuant to [750 ILCS 50/13](#), and further provide the GAL with copies of all pleadings and pertinent documents and records within seven (7) days of the entry of the order.
- (b) Petitioner shall notify any child welfare agency designated by the Court to conduct an investigation, pursuant to [750 ILCS 50/6](#), within seven (7) days of the entry of such order.

*Gen. Order 08-15, eff. Sept. 17<sup>th</sup>, 2008*

### **18.06 CONFIDENTIAL INTERMEDIARIES**

- (a) The appointment of a confidential intermediary shall be governed by [750 ILCS 50/18.3a](#).
- (b) All Petitions for Appointment of a Confidential Intermediary shall be accompanied by proof of registration with the Illinois Adoption Registry and Medical Information Exchange.
- (c) The signature on a Petition for Appointment of a Confidential Intermediary shall be certified pursuant to [Section 1-109 of the Code of Civil Procedure](#).

## Kane County Local Rule

---

- (d) If the petitioner for the appointment of a confidential intermediary cannot appear in court to present the Petition, the Petition must be accompanied by a letter or motion requesting that the appearance of the petitioner be waived.
- (e) All Petitions for Appointment of a Confidential Intermediary shall be scheduled by the Circuit Clerk's Office to the docket of the assigned Juvenile Court Judge hearing adoption matters on the next available scheduled adoption date.
- (f) The Court shall appoint a qualified confidential intermediary from a list of persons who have been certified by the [Department of Children and Family Services](#).
- (g) Upon request, the Circuit Clerk's Office shall make available to the public information and booklets from the [Confidential Intermediary Service of Illinois](#).

*Gen. Order 08-15 eff. Sept. 17<sup>th</sup>, 2008*