

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, COUNTY DIVISION**

ADMINISTRATIVE ORDER 2010 - 2

**SUBJECT: IMPLEMENTATION OF P.A. 96-601 (750 ILCS 50/14.3)
RESTORATION OF PARENTAL RIGHTS AND ADOPTION BY
BIOLOGICAL PARENT**

Effective on the date of this Order, the following procedures shall apply to all adoption proceedings initiated in the County Division by a biological parent seeking restoration of his or her parental rights and adoption of his or her biological child as provided in 750 ILCS 50/14.3.

I. Denomination of Pleadings.

The petition filed in such matters shall be denominated as a "Petition For Restoration of Parental Rights and Adoption of a Minor Child." The statutory authority for the proceeding shall be clearly stated in the introductory paragraph of the petition.

II. Contents of Pleading.

Each pleading shall contain a clear statement of fact establishing the propriety of initiating the action as set out in 750 ILCS 50/14.5(a). In addition to the requirements found at 750 ILCS 50/5, such petitions must contain factual allegations to satisfy the requirements of 750 ILCS 50/14.5 (c) (1) (A through E). Conclusory allegations parroting the language of the statute will be presumed to be legally insufficient and subject to summary dismissal under 735 ILCS 5/ 2-615. Finally, such Petition shall contain a factual allegation establishing standing to initiate the action as set out in 750 ILCS 50/14.5 (c) (2).

The prayer for relief shall include a request for the relief provided by 750 ILCS 50/14.5(e) (3) and (4).

III. Appointment of a Guardian *ad Litem* and Designation of Investigator

The appointment of a Guardian *ad Litem* in these proceedings shall be determined by the provisions of this Administrative Order. Any prior or subsequent Administrative Order of the County Division relating to the appointment of a Guardian *ad Litem* shall not serve to alter or overrule the provisions of this Order unless this Administrative Order is specifically referenced.

Due to the requirements for obtaining an interim order found at 750 ILCS 50/14.5 (d), Counsel is encouraged to seek appointment of a Guardian *ad Litem* and Investigator promptly after initiating the proceeding. This may be done at either the 9:30 a.m. or 1:30 p.m. court calls for Calendar 1. Notice of a Party's intention to obtain such an Order shall be served on The Office of the Cook County Public Guardian, Robert Harris, at least three business days prior to the date of the hearing. The current practice concerning delivery of courtesy copies to the Court applies to these matters.

The Order shall provide, in addition to all other relief sought by the Petitioner, that the Guardian *ad Litem* shall have access to the child(ren) and any and all relevant documents pertaining to said child(ren) without limitation. Nothing herein shall be construed to grant the Guardian *ad Litem* access to any records of any other person other than as provided by the provisions of the Illinois Supreme Court and the Code of Civil Procedure relating to discovery in civil cases. The order shall also provide that the Guardian *ad Litem* is authorized to redisclose to all parties, the Illinois Department of Children and Family Services "Department" and the Court any information the Guardian *ad Litem* has in his or her possession on any prior abuse, neglect and dependency case pertaining to the parties in that proceeding.

A. In all proceedings initiated under this statutory provision, the Court will appoint Robert F. Harris, Public Guardian of Cook County as the Guardian *ad Litem* for the minor child. In the event Mr. Harris seeks to withdraw as Guardian *ad Litem*, the Court will appoint a successor Guardian *ad Litem* from the Court's designated panel of *Guardians ad Litem*s. The Guardian *ad Litem* will be selected in the same manner as one is appointed in any other adoption proceeding.

In the event withdrawal is sought due to a conflict over what outcome of the matter is in the minor's best interest, the Court will appoint Mr. Harris to serve as the

minor's attorney, assuming the adopting family is unable to pay for the services of counsel for the minor, and select a new Guardian *ad Litem* from the designated panel in order to preserve the confidentiality of communications between the minor child and the original Guardian *ad Litem*.

In the event the Court determines that Mr. Harris cannot continue to serve as counsel for the minor child, assuming the adopting family is unable to pay for the services of appointed counsel; private counsel shall be appointed to represent the minor child.

Upon receipt of the preliminary investigation report, the Guardian *ad Litem* shall undertake diligent efforts to have an in-person meeting with the child(ren) that are the subject of these proceedings.

Upon completion of the investigation, the Guardian *ad Litem* shall file a report with the Court in a form substantially similar to that attached to this Administrative Order. One report shall be prepared for each child sought to be adopted and filed of record in the adoption proceeding.

B. All initial investigations in such proceedings shall be conducted by the Illinois Department of Children and Family Services ("Department") or any successor to the duties and responsibilities of that Department.

Upon appointment, the Investigator shall provide the Guardian *ad Litem* with a "Preliminary Investigation Disclosure." This should be delivered within three business days of receiving notice of the fact of appointment. Such disclosure shall contain, at a minimum, 1) an assessment of the home where the child currently resides as set out in the Child Endangerment Risk Assessment Protocol ("CERAP"); 2) a current CANTS/LEADS search results for all persons residing in such home who are aged 13 and above, and all frequent visitors to the home aged 18 and older.

Within 60 days of the Preliminary Investigation Disclosure, DCFS shall complete an Investigative Report for the court.

Due to the nature of these proceedings, in addition to the requirements for initial reports of investigation in adoption proceedings as established from time to time. DCFS shall draft an Investigation Report that includes the following information in order to allow the Court to determine whether an adoption is in the child's best interest:

- (a) the physical safety and welfare of the child, including food, shelter, health, and clothing;
- (b) the development of the child's identity;
- (c) the child's background and ties, including familial, cultural, and religious;
- (d) the child's sense of attachments, including:
 - (i) where the child actually feels love, attachment, and a sense of being valued (as opposed to where adults believe the child should feel such love, attachment, and a sense of being valued);
 - (ii) the child's sense of security;
 - (iii) the child's sense of familiarity;
 - (iv) continuity of affection for the child;
 - (v) the least disruptive placement alternative for the child;
- (e) the child's wishes and long-term goals;
- (f) the child's community ties, including church, school, and friends;
- (g) the child's need for permanence which includes the child's need for stability and continuity of relationships with parent figures and with siblings and other relatives.
- (h) the uniqueness of every family and child;
- (i) the risks attendant to entering and being in substitute care;
- (j).the current and past relationship of the minor respondent to the birth parent;
- (k).the circumstances which led to the prior termination of parental rights;
- (l) details as to the change in circumstances in the life of the birth parent since the time of the prior termination of parental rights;
- (m).details as to the current circumstances of the life of the birth parent including but not limited to living arrangements, family composition, educational and/or work history, sources of income demonstrating an ability to provide for the child's care; the petitioner's understanding of both the current needs of the child and the child's attachment to the birth parents and other significant persons
- (n) the appropriateness and willingness of the petitioner to maintain contact with the members of the minor's former adoptive family.
- * (o) an assessment of the home of the Petitioner as set out in the Child Endangerment Protocol(CERAP) and a report of current CANTS/LEADS search results for all person residing in such home who are aged 13 and above and all frequent visitors to the home aged 18 and older.*

IV. Obtaining an Interim Order

The Court will schedule a hearing to determine whether an interim order should be entered approximately sixty days after the appointment of the Guardian *ad Litem* and the investigator. This will allow sufficient time for an investigation as to the facts and

circumstances of the matter by the Guardian *ad Litem* and the preparation of at least a preliminary investigation by the Department.

If an emergency concerning the legal and physical custody of any minor child exists, the Court will schedule a hearing at an earlier date. In determining such date, the Court will consider the reason for the termination of parental rights, the efforts to ameliorate the conditions that led to the termination, the current living arrangements for the child, and the necessity of making certain that appropriate safeguards are in place.

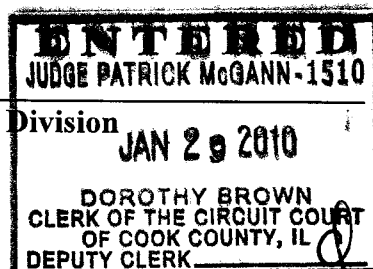
V. Hearings

The Court does not contemplate requiring an evidentiary hearing in each case prior to the entry of orders restoring parental rights and granting an adoption. Such a hearing will be conducted upon the Court acting *sua sponte* or upon the written request of the minor's Guardian *ad Litem*. Nothing in this Order shall prevent any party to these proceedings from requesting a hearing to determine whether the child is available for adoption.

Dated this 29th day of January and Spread Upon the Records of this Court.

ENTER: _____

Presiding Judge, County Division



Report of GAL

(Insert Case Caption)

REPORT OF GUARDIAN *ad Litem*

Now comes, _____, appointed by this Court to act as the Guardian *ad Litem* for the child sought to be adopted and recommends that this Court:
☐ enter a Judgment of Adoption as being in the best interest of the child.

☐ set this matter for an evidentiary hearing to determine whether it is in the best interests of the minor for the court to enter a Judgment of Adoption.

This recommendation is made as a result of my investigation and review of these proceedings as required by the court's Standing Order and more specifically:

1. The child is available for Adoption as defined by statute because:

The Parental Rights of the biological/legal (strike one) mother were

☐ terminated by this Court.

☐ terminated by a surrender or irrevocable consent to adoption executed by the mother.

☐ terminated in another proceeding and all appeal rights have been exhausted.

☐ previously terminated and the biological mother has filed a petition seeking restoration of her parental rights and adoption of her biological child pursuant to 750 ILCS 50/14.5 et. al.

The Parental Rights of the biological/ legal (strike one) father were

☐ terminated by this Court.

☐ terminated by a surrender or irrevocable consent to adoption executed by the father.

☐ terminated in another proceeding and all appeal rights have been exhausted.

☐ previously terminated and the biological father has filed a petition seeking restoration of his parental rights and adoption of his biological child pursuant to 750ILCS 50/14.5 et. al.

2. Based upon information available to me, it is/ is not (strike one) in the best interests of the minor that a Judgment of Adoption be entered by this Court; this opinion is based upon the following:

☐ The conclusions found in an investigation conducted by a child welfare agency approved by the Illinois Department of Children and Family Services which I have reviewed.

☐ The conclusions found in an investigation conducted by the Illinois Department of Child and Family Services which I have reviewed.

{ } The results of my own investigation which were based in part by the Affidavits submitted by the Petitioners detailing their background. More specifically, based on the information available to me, it appears that:

The Petitioner(s) is/ are related to the child as: _____

That the child has resided with the Petitioner(s) for

That the results of a criminal history and C.A.N.T.S. check, as well as a search of the Sex Offender Registry performed by DCFS or a DCFS approved agency yielded negative results with the exception of _____ which I believe does not impact on the welfare of the child because _____.

3. The religious affiliation of the Petitioner(s) is _____.

4. The child's religious affiliation is _____.

5. The child is/ is not (strike one) under the age of 14 years.

(For a child under age 14 only) As the duly appointed Guardian *ad Litem*, I hereby enter the child's consent to this adoption.

(For a child age 14 and over) The child's consent to adoption will be presented to the Court.

6. A Supplemental Report of the Guardian *ad Litem* containing additional information supporting my recommendation is/ is not (strike one) attached.

Respectfully submitted
Guardian *ad Litem*