UNCONTESTED ADOPTION PROCEDURE

Phillip J. Mohr
Robert Zielinski
Chicago Volunteer Legal Services
Updated December 2025

ABOUT THE AUTHORS

Phillip J. Mohr joined Chicago Volunteer Legal Services in 1991. A DePaul Law grad and former CVLS volunteer, he became the Family Law Director in 1996 and Deputy Director in 2004. Phil has handled cases in a variety of areas of law at CVLS but has concentrated his practice on family law. With a typically large caseload, he has represented many clients with contested family law matters over the years. In addition to his trial work, he has gained experience with appellate work as well, arguing before the Illinois Supreme Court.

Phillip J. Mohr
Chicago Volunteer Legal Services
33 N. Dearborn, Suite 400
Chicago, IL 60602
312.332.3528
philmohr@cvls.org

Robert Zielinski first worked for CVLS in the Access to Justice Program in 2014 while finishing his third year of law school. During law school at the University of Pennsylvania, Rob was a member of multiple pro bono organizations and was later awarded a fellowship to return to CVLS as a staff attorney in the Child Rep program. He is now the Supervising Attorney of the Child Rep Program, and has handled matters throughout the family law field, including complex domestic relations, guardianship, child rep/GAL, and adoption matters.

Robert Zielinski
Chicago Volunteer Legal Services
33 N. Dearborn, Suite 400
Chicago, IL 60602
312.332.6434
rzielinski@cvls.org

TABLE OF CONTENTS

		PAGE
I.	**INTRODUCTION**	**5**
II.	**FILING AN ADOPTION**	**5**
	A. PREPARING TO FILE	**5**
	1. Review Information	5
	2. Prepare Documents	6
	3. Review Court's Administrative Orders	6
	4. Execute Documents	7
	B. EFILING ADOPTION CASE	**7**
	1. Documents to File	7
	2. Identify Judge/Calendar	7
	3. Identify Judge's court day	8
	4. Select 1st Court Date (Initial Presentment)	8
	5. Set 1st Court Date with Court	8
III.	**THE COURT PROCESS**	**8**
	A. APPEARING FOR 1ST COURT DATE	**8**
	1. Overview of Initial Presentment	9
	2. Stepping up to the Bench	**9**
	B. INTRODUCTION TO POST INITIAL PRESENTMENT	**10**
	1. Jurisdiction over all Defendants	10
	2. Best Interests – Engage GAL	14
	3. Fit and Proper to Adopt – Engage Investigator	15
IV.	**FINALIZING ADOPTION**	**15**
	A. PREPARE FOR ENTRY OF JUDGMENT	**16**
	1. Conditions Ripe for Entry of Judgment	16
	2. Prepare Documents and Defaulting any Defendant	16
	3. Seek Entry of Judgment	17
	B. CONTINUANCE (if necessary)	**17**
	C. POST ADOPTION JUDGMENT REQUIREMENTS	**18**
	D. MISCELLANEOUS	**19**
	E. FEES	**20**

APPENDICES

I. Adoption Court Zoom Information

II. Adoption GAL Appointments and Contact Information

III. Duties of GALs in Adoption Cases

IV. GAL Checklist

V. Requirements to Default a Parent

VI. Fingerprinting Procedure

VII. Accurate Biometrics Fingerprinting Form

VIII. Unrelated Cases – FSS Fee Information

IX. Unrelated Cases – FSS Investigation Requirements

I. INTRODUCTION

This guide is designed to assist you with the procedure of an uncontested non-agency adoption case in the Cook County Courts. These types of cases typically include step-parent adoptions, and adoptions by other close relatives including grandparent(s), aunts and uncles, etc. These cases will also include parents whose rights will be terminated by their consent or default. This guide will assist those who have little, or no, adoption experience with the basic procedures of a case. It is also a good stepping stone for those interested in learning to practice in this area.

Using the term "uncontested adoption" prior to filing may be a bit premature. Contested cases can, and sometimes do, materialize in the case you thought would be uncontested or a default. If this happens, please contact CVLS if/when you need additional assistance. There are two common situations when a case might escalate to a contested matter.

The most common of these situations is when a client states that a parent has been absent for a long period of time, there has been no contact between the client or child with the biological parent, and/or the client does not know the whereabouts of the parent, which may allow for publication service. As you will be informed later, you have a duty to be diligent to search for and attempt to personally serve a parent/defendant. In so doing, you often locate the parent and do obtain personal service. From time to time, a parent in this situation may participate, filing their appearance and alleging that they have been active in the child's life, or that the Petitioner(s) moved and failed to inform them, or that they otherwise have been actively preventing contact. A second situation is the parent who expresses a willingness to consent in the beginning of the case, only to change their mind when they appear in court to do so.

If, after you have met with your CVLS client, you decide to take an uncontested adoption case, this chapter, and the appendices, will assist you from start to finish. If you have any questions, again, please feel free to contact any attorney at CVLS.

II. FILING

The following information within this section A provides the process to be followed in the preparation of an adoption case through to the filing of your Petition. Please review the entire manual, however, before proceeding

A. PREPARING TO FILE

1. Review Information. Review all the materials you have received from CVLS regarding the adoption case. The primary document will be the questionnaire created from the intake interview. This document should provide you with most, if not all, the information that will be necessary to complete the paperwork (pleadings and forms) necessary for you to file and pursue the adoption matter to final Judgment. After reviewing the paperwork, contact your client to inform them that you will be handling their matter, that you will begin preparing the paperwork necessary to file the adoption case, and that you may be contacting

them from time to time during that process with additional questions. At this point, confirm all intake information with the client(s). Let them know that once the paperwork is completed, you will arrange with them a date to review the paperwork and sign the necessary pleadings/affidavits/etc.

2. Prepare all documents and pleadings necessary to file. All pleadings/orders/forms referenced herein are available from CVLS on our website (www.cvls.org) or on the Cook County Clerk's website (www.cookcountyclerkofcourt.org). If you do not have our templates, please contact CVLS to obtain them. The purpose for each pleading and form will be discussed in later sections. Please read the entire manual before proceeding.

3. Review the Adoption Court's Administrative Orders on the Cook County Court website in the Adoption Cases and Adoption Court Procedures sections. The material provides the rules and procedures of the adoption court and are updated from time to time. Also see the Adoption Court section on the Cook County Court website for any new standing orders and procedures.

Documents and Pleadings Necessary to Prepare to File

- *County Division Cover Sheet* (Clerk's administrative document)
- *Petition for Adoption* *(with exhibits as referenced in petition. i.e. child's birth certificate, death certificate of parent, probate Order appointing Petitioner(s) Guardian, Divorce Judgment for Petitioner, etc)*
- *Civil Legal Services Provider Form (CLSP - fee waiver)*
- *Notice of Initial Presentment* – used to schedule your first court date
- *Consent of Child(ren) to be adopted if 14 or Older* –Though children no longer need be served, a child 14 yrs or older must still consent to their adoption by the Petitioners.
- *Summons for each living Parent* who will not be consenting and whose rights are not terminated

  OR

  Affidavit for Service by Publication for Parent whose whereabouts are unknown

  OR

  Consent to Adoption by Specified Person form for Parent willing to Consent
- If unknown father, *Affidavit for Service by Publication*
- *Interim Order* OR *Order Appointing GAL and Investigator*
- *Case Management Order*
- *Order Granting File Access to Attorney of Record* (relief can be included in interim order or order appointing gal and investigator)
- *Affidavit of Separation* (if client is married, separated 12 months and petitioning w/out spouse).
- *Certificate of Adoption* (won't need until later, but must be signed by client)
- *CANTS form* (won't need until later, but must be signed by client – must be physically signed, an electronic signature is insufficient; LEAVE the "release info" lines blank. This information is for the GAL and filled in by the GAL)
- *Affidavit in Support of Petition to Adopt* (won't need until later, but must be signed by client)
- *Affidavit of Military Service,* if necessary (for any parent, excluding unknown fathers, you expect to default)

- *Affidavit of Due Diligence,* if necessary (for any parent for whom you need to publish service and expect to default)
- *Affidavit of Identification,* if necessary (any consenting mother who appears before the court to consent will be asked to identify the putative father if no legal father is established)
- *Accurate Biometrics Fingerprinting Form*

If client is eligible and you seek to <u>waive criminal background check:</u>
The adoption court wants a fingerprint background check done on any non-biological parent Petitioner. The only time you should seek to waive the criminal background check is if the client(s) have had an FBI fingerprint criminal background check done within the last six (6) months (sometimes done for employment purposes or for an appointed Guardian in Probate Court). If your client has had such a background check done, you can seek to waive and provide the prior background check results.

- *Motion to Waive Criminal Background Check*
- *Order waiving criminal background check*

4. <u>Execute Documents</u>. After you prepare all of your documents as needed above, meet with your client to review, correct, and execute all paperwork, ensure you have all necessary documents/exhibits from client, and discuss the process with your client. If you do not already have it, get a copy of your client's photo ID, as you will need to e-file and email a copy to the clerk.

B. FILE YOUR CASE ELECTRONICALLY AND SCHEDULE YOUR FIRST COURT DATE

1. Adoptions, like all Cook County cases, must be efiled (see CVLS' tutorial regarding efiling on our website under "Volunteer Resources"). When efiling, you will need your Cover Sheet, Petition for Adoption, and CLSP form. You will need to file the Cover Sheet and Petition (with exhibits) as one document and the CLSP as an additional document in the same filing. Only after these documents are accepted will you be able to file your Summons (if needed) and any additional Motions. If client is CLSP eligible, filing fees are automatically waived as long as the person efiling has created a "waiver account." For help setting up a waiver account or for general e-filing questions, please contact CVLS. If not CLSP eligible, there will be a $89.00 filing fee.

2. Once your efiling has been approved and you receive your stamped Petition for Adoption back from the clerk via email, and any issued summonses, you will see your Court Calendar assignment. Each Calendar assignment is a number which designates your Judge. For example, your Petition may be stamped with Calendar 3 which assigns you to Judge Kirby. See "Appendix II – County Division (Adoption) Zoom Guide" to determine both your Judge, your day of the week for motions, and that Judge's zoom info.

3. There are four (4) judges currently assigned to hear adoption cases, each taking a specific day of the week, Monday-Thursday.

4. Once you have determined your Judge and day of the week, contact your client to select your first court date (referred to as the "Initial Presentment"). You may pick any of your Judge's day of the week you like, within five to forty days (5-40) of your filing. You must pick a date when your client(s) and the child(ren) to be adopted are able to appear, currently on Zoom. Court dates for Initial Presentments are scheduled via the Clerk's e-filing system. In order to obtain an Initial Presentment date, you must e-file a "Notice of Initial Presentment". The court date and Zoom information on your Notice should be blank; you will be using a "shell" version of this Notice because the e-filing system requires that you file something in order to obtain a court date. You should select "Notice of Motion" as your Filing Type, and you must select "Adoption Initial Presentment" as your Motion Type. Once you have submitted your filing, a calendar will display with available dates for Initial Presentment. Choose one within 5 – 40 days.

5. Once you have obtained your court date via the e-filing system, you must e-file a new Notice of Initial Presentment with the court date, time, and Zoom and/or courtroom information included. Five (5) days in advance of your court date, you will send the Adoption Case Coordinator, Gloria Contreras (cj.cal3@cookcountyil.gov), the following courtesy copies:
    - The file-stamped Petition for Adoption, including all exhibits
    - The file-stamped Notice of Initial Presentment with Judge, court date, and zoom information included
    - Any proposed orders you are seeking to have entered, which include, at a minimum, the Initial Case Management Order and Interim Order Appointing GAL and Investigator
    - Any motions you may be presenting (e.g. Motion to Waive Criminal Background Check)
    - Picture IDs for the client(s) and child (if child is 14 or over)
    - Child Consent Form (if child is 14 or over) – note that the consent form may be filled out but should remain unsigned until Court. The child will sign the consent form during the Initial Presentment and therefore should be given a physical, unsigned copy of the consent form in advance.

III. THE COURT PROCESS

A. APPEARING FOR YOUR FIRST COURT DATE (Initial Presentment)

1. Your first court appearance in your adoption case is to introduce the Petitioner(s) and the child(ren) to be adopted to the court, to appoint a Guardian Ad Litem (GAL) to determine the best interests of the child(ren) to be adopted, and to appoint an Investigator to look into the background of the Petitioner(s). You do not need to have served either biological parent at this time, unless you are in need of an immediate custody order ("Interim" Order). This is not often necessary if the child has been in the care of Petitioner(s) and is stable or if the Petitioner has a previous custody or guardianship order, but if so, please contact CVLS to discuss.

    * Since the COVID-19 pandemic, adoption cases have been heard remotely via Zoom. At the time of your court date, login using the Zoom information for your Judge. It might be a good idea to verify that your client has stable internet access and a reliable device with a microphone and camera. Note that CVLS has internet tablets set up in our office specifically for court usage. Please contact us to arrange for that if needed.

2. If court is in person, you would step up to the bench when the case is called. However, if court is via Zoom, it is likely that you will be the only case heard at that specific date and time.

    * When case called, approach bench without clients. If over Zoom, the Court may have your clients wait in the virtual waiting room in order to speak to you directly. Introduce yourself and the case to the court. Inform the court about the relationship of Petitioner(s) to child, expected method of obtaining jurisdiction over the parents (i.e. consent, personal service, publication service). Discuss this and any other issues of significance with the Judge. Once you complete this discussion, the Judge will invite the Petitioner(s) and child(ren) in from the waiting room. Introduce your clients and the child to the Judge. The clerk or Judge will swear in your clients (and any minors 14 or older). The Judge will conduct an informal interview with the clients and child. The Judge will welcome additional interested family members into the proceedings. Upon completion of this initial presentation, you will seek entry of the following orders, which is the primary purpose of your appearance on this initial court date, in addition to introducing the petitioner(s) and child(ren) to the court. The Court will enter and the clerk will send you via email the following:

        a. Case Management Order setting your next court date by which it is hoped that you will be ready to enter your Judgment for Adoption. This date will be at the lawyer's choosing and should be about two – three (2-3) months after this first court date. Remember, however, it must be on your Judge's call day. If you expect special circumstances regarding the time it will take for service, you may want a longer period.
        b. Interim Order appointing GAL and Investigator. *

c. Order Granting Access to the File (you may also simply include this relief in your Interim Order).
d. Any additional background check related orders (Waiving the Background Check)

* There are currently five (5) court appointed GAL's in adoption cases, one of whom will be appointed in your case. (see "Appendix III – Adoption GAL Appointments and Contact Information") Their primary responsibility, as GAL, is to confirm that an adoption is in the child's best interests. A GAL is appointed in all minor adoptions. Your GAL assignment will be based on the last digit of your case number. Since you may know your GAL immediately upon successful filing, you can include your GAL's name in your Interim Order. See section "E" below for engaging the GAL.

* Please note that the statute and court make a distinction between adoption cases based on whether a petitioner is related (relative of the 1st degree) to the child or unrelated. This distinction only results in one procedural difference between the cases. In related cases, the GAL is most often appointed as investigator. The GAL performs a more summary investigation, mostly just reviewing your affidavit of investigator, performing the CANTS check, reviewing your criminal background check (if not waived), and contacting the Petitioner by phone for a brief interview. In related cases, you can write the GAL's name in as Investigator on your Interim Order prior to court as well. In unrelated cases, the court often seeks a more thorough investigation of the Petitioner(s) and appoints the Cook County Department of Adoption and Family Supportive Services (now known simply as "Family Supportive Service" or "FSS") as investigator. They perform a much more detailed investigation which includes that which the GAL would do in addition to personally interviewing the Petitioner(s) and child(ren), performing a home study, requesting and reviewing medical and school records, etc. If you have an unrelated case, you would confirm with the court whether your Interim Order should appoint FSS, as is usual, or the GAL. Because the FSS investigation takes more work and time, you may want to ask the Court to appoint the GAL rather than FSS in your unrelated case under certain circumstances. Those include ones in which your client is already the legal guardian or custodian, or your client has been a long time sole caregiver (around 8 or more years) and the parents are deceased or out of the picture for that period. In the latter scenario, the court will most likely not agree to the GAL as investigator, but it is worth a try. See section "F" below for engaging the investigator.

B. POST "INITIAL PRESENTATMENT" REQUIREMENTS – The real work of an adoption. Think of your adoption as accomplishing 3 tasks, in no particular order. All must be accomplished prior to seeking entry of your Judgment. First you must terminate both parents' rights. Second, you must engage the GAL to make a determination that an

adoption is in the Child(ren)'s best interests. Third, you must engage the investigator to determine that the Petitioner(s) are fit and proper persons to adopt.

1. JURISDICTION OVER DEFENDANTS. Terminating both parents' rights takes place in one of three ways. One method is through a biological parent(s) death. This happens automatically. You need only allege their death and verify with a death certificate (attaching as an exhibit in your Petitioner). The second method is to allege them unfit, obtain jurisdiction over them through service, and default them or prove them unfit if contested at a fitness hearing (CVLS does not as a rule take contested adoptions, but, as in all lawsuits, things can go other than as planned). The third method is with the bio parent(s) consent. The Consent is an Appearance and Consent. Jurisdiction over the consenting parent is obtained with their consent.

a. **SERVE ALL NECESSARY PARTIES**

* Service of child(ren) to be adopted is no longer necessary.
* The living biological parents of the child to be adopted, who are not Petitioners to the adoption, must be served, unless deceased or willing to appear in court and consent.
* If a defendant's whereabouts are known, place a summons (and Petition) with the Sheriff in room 701 for personal service.* If defendant lives outside of Cook County, contact the sheriff in that jurisdiction to get information for service there. If client is CLSP eligible, service fee is waived. If not, the service fee will be a $60 flat fee anywhere in Cook County and/or $50 for window service. It is easiest to check on the status/result of the sheriff's personal service attempts online at https://civilprocess.ccsheriff.org/ or by contacting the sheriff by phone. The number for service status for the Cook County Sheriff is 312.603.3365.
* Note that in 2019, the Cook County Sheriff's Office began allowing litigants and attorneys to place service of process with them electronically. The steps for creating an account and electronically placing your Summons with the Sheriff are as follows:

1. Open your web browser and head to this web address: https://sheriffefile.cccheriff.org. Click on "REGISTER" in the upper right-hand of the page and follow the instructions to create an account. You may use your own contact information or CVLS' to create an account.

2. Once you have created an account, you can begin the process of placing the Summons and Petition with the Sheriff for service (note that if you have more than one defendant, you must place service documents on each separately). Click on "CREATE E-FILE" and follow the instructions listed under "CREATE NEW CASE". For detailed instructions on this specific process, please visit:

https://sheriffefile.ccsheriff.org/Content/PDF/CreateNewEfileCase.pdf *Note*: If using a CLSP, under the "FEE WAIVER" field, make sure to select "Yes" and upload your file stamped CLSP form. \

3. After creating a new case, you will be brought to the "ADD SERVICE" page. There you will select the type of service. In this case, you will select "Individual Service" as you will presumably be serving a Respondent. Fill out the fields with information pertaining to where you want the Respondent Served. For "Service Notes," you may include particular dates or times for service, but it is not guaranteed that the Sheriff will abide by those notes.

4. Now you will upload your documents. Make sure that you are uploading the file stamped PDF copies of your Summons and Petition for Adoption. Once uploaded, you will be prompted to "Finalize/Pay." If you have uploaded the CLSP properly, the payment amount should be $0.00. You will receive a service receipt at the e-mail you used to create an account once this process is complete.

* If whereabouts of defendant are unknown after personal service attempt and/or the exercise of due diligence (for a definition of what "due diligence" entails, see "Appendix V – Requirements to Default a Parent") to locate defendant does not provide results, file an Affidavit for Service by Publication, and place the Affidavit with the law bulletin by e-mail. Simply send an email to publicnotice@lawbulletinmedia.com with a file-stamped copy of the Affidavit for Service by Publication and a file-stamped copy of the client's CLSP form. If the client is not eligible, the Law Bulletin charges a $240 publication fee (see section "I.4. Fees" below)

b. **PUTATIVE FATHER REGISTRY SEARCH**

* A legal father of a child is a man who was married to mother at the time of birth or conception of a child; has a paternity order finding father to be the legal father; or, is listed as father on child's birth certificate. If you have no legal father, you must search the Illinois Putative Father Registry to see if a man has registered as a possible father for a child. A failure to register, by statute, may allow for the termination of the parental rights for any man who has not obtained legal rights as the legal father as stated above. Your due diligence is completed if the registry search results in no father being registered, though you will still allege an "unknown father" and terminate the unknown father's rights. If a father is registered, you must amend your petition to name that father as an alleged biological father (registration alone does not grant legal status), and you must serve that man, at the address given to the registry, with a copy of your amended

Petition for Adoption. Obtaining a name through the registry search is extremely rare.

* Search the registry at www.putativefather.org . If you are a CVLS volunteer working on a CVLS case, contact Phil Mohr prior to searching the web site at philmohr@cvls.org for information on waiving the registry search fee.

c. **DEFAULT**. Once you have obtained jurisdiction over a non-deceased, non-consenting parent(s), you will move to default if/when they fail to appear or respond to the Petition for Adoption. Moving to default based on allegations of unfitness will be discussed in section E. below.

d. **CONSENT OF PARENT**. If any defendant biological parent is willing to consent to the adoption, they must do so in court over Zoom. To do so, file a "shell" Notice of Motion, similar to the steps above for obtaining an Initial Presentment date. When prompted for a "Motion Type," make sure to select "Adoption Consent Call" in order to ensure that a court reporter is present. .If the parent's consent will be taken over Zoom, make sure that a completed but not yet signed copy of the consent as well as a copy of the parent's photo ID are provided to Gloria three to five (3-5) days in advance of your scheduled consent date. The parent should have a physical copy of the consent form to sign on camera during the court date. All consents must now be done before the judge hearing the case. Consents are heard each day at 12:00pm and 12:30pm. FSS formerly was authorized to take consents, but they are no longer doing so. Also, if the consenting parent is a resident of another state, the Adoption Act states that a consent can be provided based on the laws of the State of that parent's residence. If another state allows for a notarized consent form, for example, you may find it easier/more efficient to obtain such a consent in your case.

Document(s) Needed

Appearance and Consent to Adoption
Affidavit of Identification, if necessary (any consenting mother who appears before the court to consent will be asked to identify the putative father if no legal father is established)

* The Parent may provide their consent any time after the case is filed and before seeking entry of Judgment.
* Consenting parent need not be served as the consent is an Appearance and Consent.
* Consenting parent must send you a copy of a state I.D. or driver's license for your to provide the Court in advance.
* We recommend always using the "FINAL AND IRREVOCABLE CONSENT TO ADOPTION BY A SPECIFIED PERSON OR PERSONS" only. Since a consenting parent(s)' rights are terminated

upon the execution of the Consent, it is possible that the parent(s)' rights could remain terminated even if the adoption is not finalized. By using the Consent to adoption by a specified person, any consent is automatically revoked if the adoption fails.

* As attorney for Petitioner(s), you are not the attorney for the consenting parent and must inform them so. You may talk to the consenting parent and explain the impact of a consent, prepare the Appearance and Consent form (do not list your info as attorney on form), and present him/her to the court but you will not be participating in the consent process before the court. You cannot guarantee the Consenting parent any provision post adoption (e.g. visitation, naming of parent in a will as guardian in the event of adopting parent's death, etc.). It can be deemed an improper inducement of the consent. If you would like to consider settlement possibilities with a biological parent which results in the parent's consent, please contact CVLS.
* The Parent will sign the consent on camera in front of the judge. The judge will also ask the parent several questions to acknowledge their understanding of the consent and the termination of their parental rights. The termination of the parental rights takes place the moment the court acknowledges the consent.
* If a biological mother is consenting, and you allege no legal father (only unknown father), the court will require that the consenting mother provide an Affidavit of Identification during the consent to explain why there is no known father. This Affidavit of Identification, like the consent form, may be filled out in advance by the consenting mother, but should be signed on camera in front of the Court.

2. BEST INTERESTS - ENGAGE GAL

Documents to Tender to GAL after filing

Petition for Adoption
Interim Order OR *Order Appointing GAL and Investigator*
Case Management Order
CANTS (Child Abuse and Neglect Tracking Service) form
All Documents Supporting your Petition (i.e. divorce decrees, guardianship orders, death certificates, etc.)

* You must send your appointed GAL the Interim Order which appoints them to the case, as well as all the above documents. All documents can be tendered to the GAL either by delivery to their mailbox in room 1701, mail, fax, or email. Email is the preferred method of contact for most GALs. See the attached GAL contact information sheet for all contact info. All GAL's have kindly agreed to reduce their fee for CVLS cases to $125 per case for related adoptions. You must additionally include the payment with the documents.

* Provided there are no red flags raised from the Affidavit or CANTS check, the GAL will submit a report to the court recommending the adoption prior to the case management date for entry of Judgment. If red flags are raised, or additional time is needed, the GAL will contact you to discuss the need for a continuance.

3. FIT AND PROPER TO ADOPT – ENGAGE INVESTIGATOR (RELATED CASES ONLY)

Document to Tender to GAL as Investigator in related cases after filing
Affidavit for Investigator (If GAL appointed as investigator) and supporting documents (i.e. addendums, divorce decrees, guardianship orders, death certificates, photo ID, verification of income, etc.)

a. There are two primary processes in the Investigation. The first is to tender the Affidavit for Investigator to the Investigator. They will review the Affidavit for any red flags and they will contact the Petitioner(s) for a brief interview and to ask any questions relative to their affidavit.

b. The second is to have the criminal background check performed. In most cases, the court will require a criminal background check for all non-biological parents seeking to adopt AND for any other adult in the household. If you have a mother and stepfather seeking to adopt mother's child, the court may require a criminal background check on the stepfather, but not the mother. Additionally, you will be required to have any additional adult in the household perform a check as well. The criminal background check is performed by Accurate Biometrics. There is a non-waivable fee of $61.25 per person. See "Appendix – Fingerprint Procedure" and "Appendix – Accurate Bio Form" for information on the process of the criminal background check.

c. **If FSS is appointed as Investigator, contact FSS (312-603-0550) to arrange for an appointment. See also FSS Adoption Investigation requirements form as an appendix to this manual. They can also be reached at dakedar.horton@cookcountyil.gov.**

IV. FINALIZING ADOPTION

A. PREPARE FOR ENTRY OF JUDGMENT

1. **If**
   * case filed;
   * Judge met with Petitioner(s) and child at Initial Presentment;
   * Any child 14 or over has provided a consent;
   * parent(s) deceased, consented or have been served and are indefault;
   * all necessary forms delivered to GAL and GAL has submitted report approving;

* criminal background check and/or DAFSS investigation complete and clear, if not waived;
* putative father search results completed, if necessary, with no registrant.

2. **Then prepare for Entry of Judgment**

Documents to Prepare
Motion for Entry of Judgment
Judgment for Adoption
Notice of Motion for GAL

Default (for each biological parent as necessary)
Motion for Default
Order of Default
Affidavit of Due Diligence (if necessary)
Military Affidavit (if necessary)
Putative Father Registry Search Results (if defaulting putative or unknown father)

a. Once all your work is done to obtain: 1) jurisdiction over the necessary parties and consents from parents or ability to default; 2) a GAL report recommending the adoption; and 3) an investigative/criminal background check completed, you must request entry of a Judgment Order for Adoption. The method to request entry of the Judgment is to file a Motion for Entry of Judgment. If you have alleged a parent to be unfit, served the parent (personally or publication), and they have failed to appear and respond, the parent is in default. If you are terminating a parent's right by default, you must file a Motion for Default and obtain a Default Order before you file your Motion for Entry of Judgment. The GAL will not write their report until they have proof of termination of the biological parents' rights.

b. DEFAULTING PARENT(S). For any defendant parent, including the unknown father, who has been served personally or by publication and has not filed an Appearance or consented, you must file a Motion for Default with various attachments depending on the circumstances. See the Court's directive for defaulting any parent at: https://ocj-web-files.s3.us-east-2.amazonaws.com/documents/Termination.pdf

c. Prepare a separate Motion and Order of Default for each parent (including the unknown father if you so pled), who has not consented and is in default. Efile your Motion for Default and Notice of Motion. You may obtain a new court date during the efiling process, but typically you will just use your next existing case management date. Whether you are using

a new date you obtained during the efiling process, or are using your next case management date, you must tender courtesy copies of your filed Motion(s) for Default, proposed Order(s), and your Notice of Motion to the GAL setting the court date to Gloria via email and inform her of your court date (remember it must be on your Judge's call day of the week). Also, if you are using your existing Case Management date, include a new Subsequent Case Management Order (SCMO) continuing the matter to a next date. Gloria will forward the Motion to your Judge and inform you whether your appearance at a hearing date is necessary or whether your proposed default will be entered without the need to appear in court.

d. Once you have defaulted any necessary parties, you are now ready to seek entry of Judgment.

3. **Seek entry of Judgment**

Judgment for Adoption
Motion for Entry of Judgment
Notice of Motion for GAL

a. You must prepare a Motion for Entry of Judgment in order to request entry of your Judgment for Adoption. You will efile your Motion for Entry, but again, you do not typically need to obtain a court date through the efiling process. Instead, after successful efiling, you will tender courtesy copies of your Motion for Entry, proposed Judgment for Adoption (2-3 copies), and Notice of Motion to the GAL, setting the court date for your pre-existing case management or subsequent case management date. You must tender to Gloria, and serve the GAL, with the Notice of Motion and all remaining documents above **at least 14 days before your next case management date**.

b. You do not need to appear in court on your Motion for Entry/Case Management date if everything is done and all documents are served on GAL and delivered to court. **YOU MUST CONTACT GLORIA THE DAY BEFORE COURT/ENTRY, however, to confirm that all is completed and your appearance is unnecessary.**

B. CONTINUANCE – NOT READY FOR ENTRY OF JUDGMENT

If you are not ready for entry of the Judgment before your case management date, you must obtain a continuance of your case management date for a "subsequent case management" date. This can be done in one of 3 ways.

1. **Reach Agreement with the GAL**. The easiest, and recommended, method of continuance is to contact the GAL to get their agreement to continue. It is not

unusual to have complications in the adoption proceedings requiring more time. GALs routinely agree to continuances. Prior to the Case Management Date, contact the GAL and discuss what work still needs to be completed. Unless there has been multiple continuances and the GAL feels there is a problem, the GAL will usually agree to the continuance. Prepare a "Subsequent Case Management Order" (SCMO). You will check "the parties and the Guardian ad litem agreeing" on the Subsequent Case Management Order. Explain what still needs to be completed. Fill in a new agreed case management date. You can then email Gloria (cjcal3@cookcountyil.gov), or you can appear in Court on the Case Management date to enter the Order. Appearance is only necessary if you were unable to deliver the agreed order the day before. If you are delivering the SCMO to the court with the intent of not appearing the next day, you must discuss with Gloria that your appearance is not required.

2. **Appear in Court**. If you were unable to take the easier route, which can avoid having to go into court, you can always just appear in court on your case management date and ask for a continuance. You will complete the "Subsequent Case Management Order" the same as you would in par. 1 above, only you would not check the "parties and GAL agreeing" box.

3. **Filing a Motion.** If you don't want to have to appear in court on your case management date and were unable to obtain GAL's continuance agreement, you can also file a simple routine motion for continuance (this is rare). Email it to Gloria by 4p.m. at least 2 days before the case management date. This Motion must be accompanied with a "Subsequent Case Management Order". You must give the GAL Notice with copy of Motion and Order at least two days prior to the Case Management date. It would be rare to take this route as GAL's are typically very responsive, and since you would be preparing and filing a motion for continuance and delivering it to Gloria with Notice to the GAL, the time involved would be greater than simply appearing in court on your case management date seeking a continuance.

Prepare
Motion to Continue Case Management Date
Notice of Motion to GAL
Subsequent Case Management Order

C. POST ENTRY OF JUDGMENT

Prepare
Certificate of Adoption

1. Your entered Judgment will typically be emailed to you the day of or the day after your court date. You may obtained a certified copy of the Judgement in Room 1202 of the Daley Center to obtain free "certification"

on one Judgment. Any additional certified Judgments will be $6 but this fee may be waived if your client is CLSP-eligible. You only need one, for your client(s).

2. You may handle certification of the Certificate of Adoption by e-filing the Certificate in the same manner as your previous filings. The Clerk's Office will certify it and return it to you by email You will forward the certified copy to the Department of Vital Statistics to get new birth certificate.

3. Mail to Illinois Department of Vital Statistics the Certificate of Adoption with a $15 check (per adopted child) payable to Illinois Department of Public Health. This will Order the new birth certificate for the Petitioner(s). You can ask, in the Certificate of Adoption, for the new birth certificate to be mailed directly to the Petitioner(s). Let them know that it will be 2-6 months and that, if they move, they need to notify the Department of Vital Statistics. **IF THE CHILD WAS BORN OUT OF STATE, CONTACT THAT STATE'S DEPARTMENT OF VITAL RECORDS FOR A COMPARABLE CERTIFICATE OF ADOPTION. THEY SHOULD HAVE A FORM. OUR CLERK WILL CERTIFY THAT AS WELL AND YOU MUST FORWARD TO THAT STATE'S APPROPRIATE AGENCY. CONTACT THAT STATE'S DEPARTMENT OF VITAL STATISTICS (or comparable agency) TO GET MORE INFO.**

4. Mail your client the Certified copy of the Judgment and a letter explaining that the case is completed with entry of the Judgment and that you have ordered a new birth certificate which will be mailed to them directly within 2-6 months. Inform them from where you ordered the birth certificate so that they may contact the appropriate agency to check on status. Close the case.

D. MISCELLANEOUS

1. Service/Delivery
   * Most, if not all, documents can be delivered to the Court via Email (cjcal3@cookcountyil.gov) to the case coordinator, Gloria Contreras (312-603-2492 tel.).
   * GAL's maintain a mailbox in the adoption court office (1701) for deliveries and notice, and will accept all notices, docs, etc. via email or regular mail as well. A GAL list with all contact information is attached. Note that email is the preferred method of communication with your GAL.

2. Contested Matters. If a parent unexpectedly appears and contests, please contact CVLS for assistance.

3. Cases involving undocumented Petitioner(s) and/or child(ren). There are unique issues that must be addressed anytime you have a non-citizen petitioner, or child to be adopted, who is here either undocumented or temporarily documented. The issues include the ability to obtain proper immigration status for the child post-adoption, but more importantly, pleadings may need to comply with the Hague Convention (international custody/child abduction/adoption treaty) requirements. Please contact CVLS before you proceed and file this type of case. There are also unique issues if the adopting parent(s) are undocumented. These have more to do with immigration/deportation concerns of the client(s). Please also contact CVLS before you proceed with this issue.

E. FEES

* **Waivable** Fees per CLSP form

Filing	$89
Window Service (per summons)	$50
Personal Service (within Cook County/per summons)	$60
Publication	$240

* **Reduced** Fees for CVLS cases

GAL fee	**$125** (for related cases)
Putative Father Registry Search	$0 (normally $75)

* **Non-waivable** Fees

Accurate Biometrics Criminal Background Check	**$61.25**/person
Order new Birth Certificate	**$15**
FSS Investigator Fee	$25 - $3000

* Traditional CVLS related adoption with ability to waive all waivable fees will require above fees in bold for a total of **$201.25** if only one adult is to have a criminal background check.