

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

**ADMINISTRATIVE ORDER      2008-8**

**SUBJECT:                                      STANDBY ADOPTION PROCEDURES  
750 ILCS 50/ 1 et seq.**

Any person seeking the entry of an Order for Standby Adoption as defined by 750 ILCS 50/1S may join in a Petition for Adoption filed by a person seeking to adopt a minor child(ren) or file a separate Petition seeking an Order of Standby Adoption. This Administrative Order establishes the procedures to be followed.

**I.      Joint Petitions**

In all cases where an adoption and standby adoption are sought in the same filing, the party seeking an Order for Standby Adoption must be identified in the caption of the case as a petitioner(s). A separate count, clearly identified<sup>1</sup> as a Petition for an Order of Standby Adoption, must be added to the Petition for Adoption. The Count must comply with the pleading requirements set out at 750 ILCS 50/5F, and if applicable 50/5C.

In such cases, the Court will proceed to adjudicate only the counts of the petition which seek to adopt the minor child(ren). If the Court finds grounds to grant an adoption, the petitioner(s) shall present a Judgment Order for Adoption consistent with the prayer of relief in those portions of the petition seeking adoption. The proposed judgment shall contain language consistent with Illinois Supreme Court Rule 304a. The proposed judgment should also state that the matter remains pending to resolve that portion of the matter seeking an Order for Standby Adoption.

No consent by a legal or biological parent to a standby adoption will be acknowledged by the Court until a final judgment of adoption has been entered.

In the event that the Court denies the petition for adoption, the petition for an Order of Standby Adoption will be dismissed as moot, *sua sponte*.

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<sup>1</sup> 735 ILCS 5/ 2-603(b).

## **II. Stand Alone Petitions**

In all cases which seek only an Order for Standby Adoption, the petitioner(s) must comply with the pleading requirements found at 750 ILCS 50/5F, and if applicable 50/5C. All persons who have existing parental rights to any child(ren) for whose welfare a Petition for Order of Standby Adoption is sought, the child(ren) or any duly appointed guardian for such minor child(ren), except a Guardian *ad litem* for a minor child appointed in connection with a proceeding under the Juvenile Court Act of 1987,<sup>2</sup> shall be made Respondents in the proceeding.

## **III. Interim Order**

Upon a showing that all respondents are within the jurisdiction of the Court, petitioner(s) may seek an Interim Order pursuant to 750 ILCS 50/13D. Consistent with practices in other cases, the Court will appoint a Guardian *ad litem* from the panel designated by the County Division and order an investigation as to the welfare of the child. Unless the Petition for an Order for Standby Adoption asserts a claim of unfitness the matter shall be scheduled for the entry of the final Order. In all cases, regardless of whether the respondent parent has appeared, if the basis for the relief sought is anything other than consent, an evidentiary hearing to determine the validity of the allegations will be conducted.

## **IV. Order for Standby Adoption**

If the Court finds after hearing or upon review of the required submissions, that it is for the welfare of the child(ren) that an Order for Standby Adoption be entered, counsel for the petitioner shall submit a final order in the matter. The order shall, at a minimum, recite the legal basis for the order; e.g. *the biological/legal parent has executed a consent to the Order for Standby Adoption*; the finding that the Court finds that an adoption of the child(ren) will be for their welfare; that any consent to an adoption shall not become effective until a Judgment of Adoption is entered; that nothing in the Order for Standby Adoption affects the parental rights of the consenting parent(s); and that the Order for Standby Adoption becomes null and void unless a motion for entry of a judgment of adoption is filed with the Clerk of Court not later than 60 days after the party who has

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<sup>2</sup> 705 ILCS 405/1-1 et seq.

obtained the Order for Standby Adoption has received knowledge of the facts which allow for the application of a judgment of adoption.

**V. Obtaining a Judgment of Adoption**

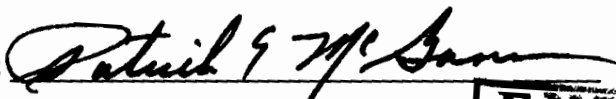
The person(s) named as standby adopting parent(s) shall, within the time provided by the statute,<sup>3</sup> file a verified petition seeking a judgment of adoption. The filing shall be made in the same case in which the Order for Standby Adoption was entered. The petition shall allege facts which demonstrate the date upon which the Petitioner(s) became aware of the circumstances which allow the entry of a judgment of adoption and that there has been no change of circumstances since the entry of the Order for Standby Adoption. If there has been a change of circumstances, facts setting forth such change shall be alleged.

Any spouse of the person seeking a judgment of adoption shall join in the petition. Notice of the Petition shall be served upon the child(ren) sought to be adopted; any person with whom the child(ren) reside; any person with existing parental rights and the Guardian *ad litem* previously appointed, if still serving in that position. If the Guardian *ad litem* is no longer a member of the panel designated by the County Division, the petitioner shall, by motion, seek the appointment of a successor Guardian.

Upon review of the Petition, the Court unless it appears that there is clear and convincing evidence to suggest that the circumstances have changed so that it may no longer be in the best interest of the child(ren) to finalize the adoption and the Guardian *ad litem* has filed a satisfactory report, a judgment will be entered. The Court, in the exercise of its sound discretion, may order such additional investigation as deemed appropriate. If necessary, the petitioner may seek an interim order terminating any existing parental rights, providing for the temporary care and custody of the child and what other relief is available pursuant to 750 ILCS 50/13A.

Dated this 3rd day of July 2008, and spread upon the records of this Court.

ENTER:



Presiding Judge  
County Division

<sup>3</sup> 750 ILCS 5-/14(f-5)

