

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

**ADMINISTRATIVE ORDER 2009 - 3**

**SUBJECT: Appointment of Confidential Intermediaries**

Proceedings to obtain the appointment of a Confidential Intermediary (750 ILCS 50/18.3a) are to be scheduled on the Calendar 4 Motion Call. The majority of these matters are initiated by *pro se* litigants. A petition for the appointment of a Confidential Intermediary may be filed by the following persons:

- an adopted person 21 years of age or over;
- a "surrendered person" 21 years of age or over;
- the adoptive parent or legal guardian of an adopted or surrendered person under the age of 21;
- a birth parent of an adopted or surrendered person 21 years of age or over;
- an adult child, adoptive parent, legal guardian, or surviving spouse of a deceased adopted or surrendered person;
- an adult birth sibling of an adopted or surrendered person whose common birth parent is deceased and whose adopted or surrendered person is 21 years of age or over; or
- an adult sibling of a deceased birth parent whose surrendered child is 21 years of age or over.

Any person seeking the appointment of a Confidential Intermediary must accompany the Petition filed with the Court with proof of registration with the Illinois Adoption Registry and Medical Information Exchange. (750 ILCS 50/18.04)

The Confidential Intermediary, if appointed by the Court, will have the authority to conduct an investigation in order to locate and contact the person being sought. This may include access to certain court and other confidential records that would not normally be available for review. However, no investigation can be undertaken if there has been a Denial of Information Exchange filed with the Illinois Adoption Registry by the individual who is the subject of the inquiry. The Confidential Intermediary will not have access to medical information protected by federal law unless the person whose information is being sought grants permission for access to this information in writing.

While the statute allows the person seeking the services of a Confidential Intermediary to file a Petition in any Circuit Court, experience has shown that it is most efficient to file the

petition in the Circuit Court where the adoption occurred. In Cook County, there is no fee for filing the Petition. The statute does require that the appointment of a Confidential Intermediary be conditioned upon the payment of the Intermediary's fees and expenses in advance. (750 ILCS 50/18.3a(d)). Failure to pay these monies may result in the dismissal of the case and end the investigation.

In order to assist individuals seeking the appointment of an Intermediary, the Circuit Court has approved certain forms for use in these proceedings. When filing a Petition, please review this information and use the forms provided. These forms can be found at [www.cookcountycourt.org](http://www.cookcountycourt.org); click on Divisions, County Division and adoptions.

These proceedings are informal. Absent notice from the Court, an appearance before the judge is not required. If a person seeking the appointment of a Confidential Intermediary wishes to appear in court, please advise the Adoption Case Coordinator (312-603-2492) so that the hearing can be scheduled at a mutually convenient time.

At the hearing, the Court will review the Petition and consider any additional information supplied by the Petitioner in open court. If the Petitioner has established the right to the appointment of a Confidential Intermediary, the Court will enter the order that day. The statute requires the Court to appoint as Confidential Intermediaries persons certified by the Illinois Department of Children and Family Services. The Confidential Intermediary Service of Illinois is administered by the Midwest Adoption Center.

If a Confidential Intermediary is appointed, the Court will continue the matter for one year to allow the completion of the investigation. While experience has shown most investigations will be concluded prior to that time, in some instances complications may arise which could cause a delay. The one year date was selected to allow for such eventualities. The Court will forward a copy of the Order of Appointment to the Petitioner and the appointed Intermediary. Midwest Adoption Center will normally contact the Petitioner within three weeks of the appointment at which time the fees will be due.

While these matters are normally administered in an informal manner, they are formal court proceedings, and as such, procedural rules must be followed. After the appointment of a Confidential Intermediary, the Petitioner should communicate directly with the designated Intermediary and/or with the service agency, Midwest Adoption Center. Any communication to the Court by either the Petitioner or Intermediary should also be sent to the other person and should be styled as a Motion or Petition requesting the Court's official action. The correspondence should be sent to the Court and other party no later than 5 business days prior to the requested court date. The correspondence should be accompanied by a completed "Notice of Motion" form that is available at [www.cookcountyclerkofcourt.org](http://www.cookcountyclerkofcourt.org) which states the date, courtroom and time which the party wishes to be heard. The court date must be scheduled with the County Division Motion Clerk in Room 1202. Due to the nature of the Judge's court assignments, the matter should be scheduled before the required notice is sent.

The Court will not normally entertain such requests without a court appearance by the party seeking relief. However, the Court appreciates that many Petitioners no longer live in the Cook County area. In order to accommodate these litigants, petitioners may seek additional relief from the Court without an appearance if they are not normally residents of Cook, Lake, Du Page or Will Counties in Illinois. In such instances, the person seeking relief should forward their original motion/petition and a copy to the attention of the Judge presiding over Calendar 4. A copy of the motion/petition shall also be sent to the appointed confidential intermediary. Upon receipt, the Court will contact the investigator to learn if there is any objection to the request. If not, the Judge will review the matter and enter a ruling. This will be sent to the movant and the appointed intermediary. If there is an objection, the Court will determine the procedure to be followed and notify the parties of the decision. This could include required submissions of written arguments by the parties or a formal hearing.

Petitioner's who reside within the named Illinois counties may seek a waiver of the required court appearance by establishing proof of a hardship. The mere fact that one must travel to downtown Chicago is not in and of itself proof of hardship.

Additional Information concerning this program can be obtained from the State's designated agency Midwest Adoption Center, 3158 S. River Road, Suite 120, Des Plaines, Illinois 60018; 847.298-9096; [www.CI-Illinois.org](http://www.CI-Illinois.org).

Entered this 11th day of May 2009 and spread upon the records of this Court.

*Patrick E. McGann*

Patrick E. McGann  
Presiding Judge  
County Division

