



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

**ADMINISTRATIVE ORDER 2011-17**

**ADOPTION PROCEDURES IN THE COUNTY DIVISION**

EFFECTIVE Monday, October 17<sup>th</sup>, 2011, all adoption cases shall continue to be assigned by the Clerk of Court to Courtroom 1703, in the County Division of The Daley Center. This Administrative Order establishes the following procedures for adoption cases and related matters. Administrative Order 2008-4 (ADOPTION OF FOREIGN BORN CHILDREN) and Administrative Order 2010-10 (ADOPTION PROCEDURES IN THE COUNTY DIVISION) are hereby vacated. This Administrative Order shall supersede all other prior orders entered with regards to adoption procedures where there are conflicting provisions.

**I. Calendar Call Times and Location:**

Unless otherwise stated herein or otherwise ordered by the Court, all adoption matters shall be heard on Mondays through Fridays, 9:30 A.M. and 1:30 P.M., in Courtroom in 1703, except routine motions which are to be held at 8:45 a.m. The clerk of the Court shall electronically assign all cases resulting in each case being randomly assigned to a specific Judge, unless otherwise stated herein. Assignment shall be equally distributed among said Judges. Calendar 1 shall continue to be used as the Administrative Call for the Adoption call, but the Clerk shall randomize based upon the judges' assigned calendar number, to wit: Calendars 4, 5, 7, 9, and 10. The exception to appearing before the randomly assigned judge includes expedited presentments and acknowledgements of consents or surrenders, and emergencies, which may be presented before any Judge on any work day. Courtesy copies shall be delivered to the Office of the Presiding judge no later than 12:00 p.m. on the workday prior to the intended date of presentment. And all Confidential Intermediary ("CI's") cases shall be heard by Calendar 3.

The Calendar Judges assigned to hear adoption matters are as follows:

Monday	- Judge Susan Fox Gillis	Thursday	- Judge LaGuina Clay-Herron
Tuesday	- Judge Paul Karkula	Friday	- Judge Maureen Ward Kirby
Wednesday	- Judge Mark Ballard		

**II. Regular and Routine Motions.**

All other regular motions must be filed with the Clerk of the Court, with proper notice required by law and set with the assigned Judge, unless otherwise ordered. Routine motions may be presented by 8:45 a.m., by delivering to the Office of the Presiding Judge, Room 1701, to be entered "off-call". Courtesy copies of all motions shall be delivered to the office of the Presiding Judge Room 1701 no later than 12:00 p.m. on the day prior to the intended date of presentment.

### **III. Appointment and Duties of Guardians *ad Litem*.**

The Court shall appoint a Guardian ad Litem ("GAL") as follows:

- a. Case Number ending in "0 or 1" – Ellen E. Douglas;
- b. Case Number ending in "2 or 3" – Genie Miller Gillespie;
- c. Case Number ending in "4 or 5" – Nancy Hablutzel;
- d. Case Number ending in "6 or 7" – Diana E. Lopez;
- e. Case Number ending in "8 or 9" – Charisse Hampton.

The appointment will be made at the time of initial presentment or the entry of any Interim Order providing for the care, custody or control of the person sought to be adopted. It shall be the duty of counsel for the Petitioner to promptly furnish the appointed GAL with a copy of the Petition for Adoption, interim order and any other material normally provided to the GALs in similar cases.

In adoptions where the GAL is appointed as investigator, counsel shall deliver a completed affidavit of information from each Petitioner concerning their background together with any exhibits required; e.g., affidavit explaining circumstances surrounding a criminal conviction or supervision, divorce decree, birth certificate, and marriage license.

Counsel is also responsible for obtaining any criminal background information and providing the completed CANTS form so the GAL may request the database search required by this Standing Order.

As a convenience, the Presiding Judge's Office will accept such documents for delivery to the GAL's mail slot in Room 1701. Counsel should be aware that the documents will be picked up by the GAL as their schedule permits. The Presiding Judge's office will not undertake the responsibility of delivering such materials to the GAL's personal Office.

The court will also determine whether or not an investigation is necessary pursuant to 750 ILCS 50/6 and enter the appropriate order at the time of initial presentment.

The Court may also appoint a GAL for a minor parent who is consenting to the adoption of his or her child in all non-agency adoptions.

The Court, within its discretion, may appoint the Office of the Cook County Public Guardian to serve as Guardian ad Litem for the minor child adoptee or for an adult-disabled individual adoptee, only upon approval of an *in forma pauperis* petition (735 ILCS 5/5-105) presented by any party and approved by the Presiding Judge of the County Division, or his designee.

All parties shall promptly provide all necessary documentation needed by the GAL for the GAL to perform his or her statutory duties.

The GAL for the adoptee shall investigate and/or monitor any parallel Juvenile, Probate, Domestic Proceedings, or any other proceedings that may bear upon the merits of the adoption matter before this Court, and shall report back to the Court. All attorneys and/or parties must report knowledge of any relevant proceedings to the Court and the GAL for the adoptee immediately.

The GAL for the adoptee does not pre-screen motions, proposed judgments or other pleadings before presentment to the Court. If the GAL wishes to support or oppose any relief sought by the movant, a proper pleading must be filed which advances the GAL's position. Copies of such pleadings must be served on all parties as required by applicable rules.

Detailed information regarding working with a GAL for the adoptee is available in Courtroom 1703 or from the Office of the Presiding Judge of the County Division, Room 1701 of the Daley Center.

#### **IV. Investigations and Fingerprints (Non-Agency Cases).**

The Adoption statute requires a thorough investigation for consideration by the court in finding the best interest of the adopted child. Accordingly, it was the intent of the legislature to have a careful, detailed and comprehensive report.

To facilitate compliance with fingerprinting background check requirements in non-agency cases, the court has established a program with the Office of Adoption and Child Custody Advocacy ("OACCA"), at 69 W. Washington St., Suite 818, Chicago, Illinois (312) 603-0550.

The service provided by OACCA consists of directing the individual to the Sheriff's Office for the fingerprints with the results being delivered to OACCA. OACCA will deliver the fingerprint results to the Court. OACCA has a written copy of the procedure for obtaining the fingerprints including payment. Parties may request, in the alternative, the use of State of Illinois authorized private agencies to facilitate the criminal background checks and fingerprinting, as required herein.

In all adoption cases, a fingerprinting/criminal background check with the Illinois State Police, Federal Bureau of Investigation ("FBI") and Child Abuse and Neglect Tracking System ("CANTS") is required for all parties who are not the biological or legal parents of the child, unless the requirement or part of the requirement is waived by the Court.

A person holding a license issued by the State of Illinois or the Judiciary of this State or who is employed by any private or public entity that requires a criminal background check as a condition of licensure or continued employment may satisfy this requirement by filing with the Court a statement from such employer, on official letter head, that a criminal background check was conducted in the past twelve (12) months and that no disqualifying offenses were disclosed.

The GAL shall perform all the obligations and responsibilities of a GAL pursuant to statute and as otherwise ordered by the Court and local rule.

Petitioners may request waivers of the criminal history check for good cause in other individual cases by properly noticed Motions seeking such relief.

## V. Fees of the Guardian *ad Litem*.

The following GAL fee schedule applies to all cases filed on or after October 15, 2011.

1. Uncontested Related and Non-Related Agency or Private Placement Adoptions:

In all uncontested related, non-related agency or private placement adoption cases, the GAL shall receive a fixed fee of \$200.00 for acting as GAL, plus an additional \$50.00 if the GAL also performs the Investigation.

2. Uncontested Special Needs Adoptions or re-adoption subsequent to a Special Needs Adoption:

In all uncontested Special Needs Adoptions, including a subsequent adoption of a minor previously adopted in a Special Needs Adoption, the GAL shall receive a fixed fee of \$125.00 in a single child adoption, and an additional \$50.00 for each additional child, not to exceed \$225.00, unless the GAL has received authority from the Court to incur additional fees. Approval for additional fees must be obtained from the Court after proper notice and motion.

3. Foreign-born Children Adoptions:

In all uncontested Foreign-born children Adoptions (e.g., where a Court has approved a guardian for the minor child), the GAL shall receive a fix fee of \$200.00, plus an additional \$50.00 if the GAL also performs the Investigation. In all re-adoptions of children previously adopted in a foreign country, the GAL shall receive a fixed fee of \$125.00, and an additional \$100.00 if the GAL also conducts the investigation.

4. Interview with the Minor Child or Disabled person Adoptee:

If the GAL conducts an interview with the adoptee, other than to obtain the consent of a minor adoptee of the age of fourteen (14) years or older, or to conduct a home visit to aid in the investigation, (s) he shall be paid at the hourly rate of \$200.00 per hour plus travel expense at the current IRS mileage rate plus parking and tolls. All hourly fees and costs must be approved by the assigned Judge by the filing of a fee petition, with notice to all proper parties.

5. Contested Adoptions or Extended Proceedings:

Unless otherwise limited by statute or Illinois Supreme Court Rules, in contested adoptions or unusually extended proceedings, an appointed GAL may receive the hourly fee of \$200.00 per hour, plus all reasonable costs.

The total hourly fees and costs charged, including retainers sought, herein shall be approved by the assigned Judge after proper motion and notice. The allocation of fees among the parties is within the discretion of the Court.

6. Appointment as GAL for a Minor Parent Consenting to an Adoption.

In all uncontested non-agency adoption cases, the GAL shall receive a fee of up to \$200.00 for acting as GAL for the minor parent.

## **VI. Setting Matters for Judgment**

At the conclusion of the hearing on the initial presentment of the Petition for Adoption, Counsel for the Petitioner(s) shall select a proposed date for entry of Judgment for Adoption by the assigned Judge. The target date for entry of the Judgment for Adoption shall comply with Section 750 ILCS 50/14(e) or any subsequent Section of the Adoption Act that is applicable while this Standing Order is in full force and effect. The target date for the finalization of the Adoption shall be incorporated into the Order known as the Case Management Order. Petitioner's counsel shall submit courtesy copies of the proposed Judgment and all other supporting documentation to the GAL at least fourteen (14) calendar days prior to the target date set for Judgment. No later than seven (7) calendar days before the date scheduled for entry of Judgment, the GAL shall deliver to the Office of the Presiding Judge either a completed Report of the Guardian *ad litem* or a Status Report as to why Judgment cannot be entered at that time. If all parties agree that outstanding issues remain that prevent Judgment from being entered, a Subsequent Case Management Order may be submitted to the Court indicating a subsequent target date, or a subsequent status date if so ordered by the Court. Petitioners may request early entry of the Judgment for Adoption upon proper notice and motion.

## **VII. Taking of Consents or Surrenders to Adoption.**

Consents or surrenders pursuant to 750 ILCS 50/11 shall be processed in court with an official court reporter and an interpreter.

## **VIII. Pleadings and Adoption Placement Requirements**

As required by local rules, the adoption petition must be verified by the petitioner(s). In addition, the petition must state in full detail whatever orders, judgments or decrees that have been entered by any court affecting the adoption or custody of the child or the adoptive, custodial or parental rights of either petitioner 750 ILCS 50/5B (k)). The court may require additional pleadings. In any adoption, the court exercises its discretion on a case by case basis in determining what is in the best interest of the child (750 ILCS 50/20a). In agency adoptions, the petitioners should comply with the Adoption Act and the rules promulgated by the Department of Children and Family Services; and the licensed child welfare agency should comply with the Adoption Act and the Adoption Compensation Prohibition Act (720 ILCS 525/1) *et seq.* In interstate adoptions, the petitioners shall comply with the Adoption Act and the Interstate Compact on the Placement of Children (45 ILCS 15/0.01 *et seq.*) In inter-country adoptions, the petitioners shall comply with the Adoption Act and the rules promulgated by the Department of Children and Family Services and the United States Citizenship and Immigration Services.

## **IX. Court Reporters and Interpreters.**

Unless otherwise stated herein for consents and surrenders (see article VII) or unless otherwise ordered by the Court, parties shall provide and pay for their own Court Reporter and interpreter. Parties granted an *in forma pauperis* Petition (735 ILCS 5/5-105) shall be provided a Court Reporter and interpreter if the Court determines that it is necessary for the particular proceedings.

**X. Conclusion of Uncontested Adoptions.**

Diligent efforts shall be made to complete an uncontested adoption matter within six months of filing, and subject to the discretion of the court. Contested matters shall be concluded diligently and in an expedited fashion.

**XI. Certified Copies of Judgments**

The Clerk will furnish the petitioners' counsel of record with certified copies of Judgment if requested within thirty (30) after the matter is concluded. After that time, certified copies will only be available by court order entered pursuant to a motion.

Adoptive parents may obtain a certified copy of the judgment by an expedited petition process, if so granted by the Court. Request forms are available from the Clerk. The parent must complete the forms, present valid identification and pay the required fee.

**XII. Petitions for Confidential Intermediaries and Unsealing Adoption Cases.**

Petitions for a Confidential Intermediary, unsealing adoption cases and request for information in adoption files, shall be by filed motion and fees paid, if required.

Said petitions and motions shall be heard by the Presiding Judge of the County Division Mondays through Fridays, at 10:30 a.m., during his regular motion call.

**XIII. Court Forms:**

Court forms can be obtained from the Clerk of the Circuit Court of Cook County office or Clerk's website <http://www.cookcountyclerkofcourt.org>.

**XIV. Adoption Court Administrator.**

The Presiding Judge has designated an adoption case coordinator to assist the Court, litigants and their attorneys in the efficient disposition of all adoption related cases. The Adoption Case Coordinator shall be: Gloria Contreras, Room 1701, Richard J. Daley Center, 50 W. Washington Street, Chicago, Illinois 60602 (312) 603- 2492, Fax: (312) 603-4351 TDD (312) 603-6673 email: [CJCAL3@cookcountyil.gov](mailto:CJCAL3@cookcountyil.gov)

Entered this 6<sup>th</sup> day of October, 2011. This order shall be spread of record.

ENTERED	<b>ENTERED</b> JUDGE EDMUND PONCE DELEON-1708
	OCT 06 2011
Judge Edmund Ponce DeLeon Presiding Judge of Cook County	CLERK OF THE CIRCUIT COURT DEPUTY CLERK #1708