



Rep. La Shawn K. Ford

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1 AMENDMENT TO HOUSE BILL 1468

2 AMENDMENT NO. _____. Amend House Bill 1468 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Family Recovery Plans Implementation Task Force Act.

6 Section 5. Purpose and policy. It is the policy of this
7 State to serve and advance the best interests and secure the
8 safety and well-being of an infant with prenatal substance
9 exposure, while preserving the family unit whenever the safety
10 of the infant is not jeopardized.

11 It is the intent of the General Assembly to require a
12 coordinated, public health, and service-integrated response by
13 various agencies within this State's health and child welfare
14 systems to address the substance use treatment needs of
15 infants born with prenatal substance exposure, as well as the
16 treatment needs of their caregivers and families, by requiring

1 the development, provision, and monitoring of family recovery
2 plans.

3 Section 10. Findings. The General Assembly finds the
4 following:

5 (1) Pregnant and parenting individuals with a
6 substance use disorder should be encouraged to receive
7 evidence-based treatment and not suffer punitive actions
8 for starting or continuing treatment, including when
9 medications for opioid use disorder are part of the
10 treatment protocol.

11 (2) There is a pressing need for increasing access to
12 evidence-based treatment for substance use disorders and
13 supportive care for families, including the appropriate
14 use of family needs assessments and family recovery plans.

15 (3) The cooperation and coordination of supportive
16 services for pregnant, peripartum, and postpartum
17 individuals and families are essential to help newborns
18 and children and to encourage and support treatment,
19 recovery, and a safe and healthy environment for children
20 and the family.

21 (4) There is a need for a coordinated, public health,
22 and service-integrated response by various agencies in
23 this State's health and child welfare systems to work
24 together to ensure the safety and well-being of infants
25 with prenatal substance exposure by developing,

1 implementing, and monitoring a family recovery plan
2 approach that addresses the health and substance use
3 treatment and recovery needs of the infant and affected
4 family or caregiver.

5 Section 15. Composition. The Family Recovery Plan
6 Implementation Task Force is created within the Department of
7 Human Services and shall consist of members appointed as
8 follows:

9 (1) Two members from the Senate, one appointed by the
10 President of the Senate and one appointed by the Senate
11 Minority Leader.

12 (2) Two members from the House of Representatives, one
13 appointed by the Speaker of the House of Representatives
14 and one appointed by the House Minority Leader.

15 (3) One member from the Office of the Governor,
16 appointed by the Governor.

17 (4) The Director of Children and Family Services, or
18 the Director's designee.

19 (5) The Secretary of Human Services, or the
20 Secretary's designee.

21 (6) The Director of Public Health, or the Director's
22 designee.

23 (7) One member who is a licensed physician
24 specializing in child abuse and neglect appointed by a
25 statewide organization representing pediatricians.

1 (8) One member who is a licensed physician
2 specializing in addiction medicine.

3 (9) One member who is a licensed physician
4 specializing in perinatal substance use disorder
5 treatment.

6 (10) One member who is a member of an Illinois Child
7 Death Review Team.

8 (11) One member who is a member of the Illinois
9 Maternal Mortality Review Committee.

10 (12) One member who is a licensed attorney with
11 experience working in a family treatment court.

12 (13) The Cook County Public Guardian, or the Cook
13 County Public Guardian's designee.

14 (14) One member from an organization that provides
15 home visiting or early intervention services.

16 (15) One member from a child welfare agency that
17 provides intact family services.

18 (16) One member with relevant lived experience.

19 (17) One member who is an academic researcher who has
20 studied maternal or perinatal substance use disorder and
21 public health, and child welfare approaches to treatment
22 and maternal and infant well-being.

23 (18) One member from an organization conducting
24 quality improvement initiatives to improve perinatal
25 health.

26 (19) One member who is a licensed

1 obstetrician-gynecologist, appointed by a statewide
2 organization representing obstetrician-gynecologists in
3 Illinois.

4 (20) One member who is a licensed physician, appointed
5 by a statewide association representing physicians.

6 Section 20. Meetings; co-chairs; administrative support.
7 All members appointed under Section 15 shall serve without
8 compensation. Task Force members shall be appointed within 60
9 days after the effective date of this Act. The Task Force shall
10 hold its initial meetings within 90 days after the effective
11 date of this Act. The Task Force shall meet at least 4 times a
12 year. The following individuals shall serve as co-chairs of
13 the Task Force: (i) the physician specializing in perinatal
14 substance use disorder treatment; and (ii) the physician
15 specializing in child abuse and neglect. The Departments of
16 Children and Family Services, Human Services, and Public
17 Health shall provide any necessary administrative and other
18 support to the Task Force. Any data provided by the
19 Departments to the Task Force shall not contain any personally
20 identifiable information of any clients or families in
21 accordance with applicable confidentiality laws. The
22 Departments shall facilitate the prompt and timely collection
23 and provision of data as requested by or on behalf of the Task
24 Force.

25 The Task Force shall consult with an organization that

1 provides technical assistance to State child welfare systems
2 in developing and implementing the family recovery plans
3 requirement of the federal Child Abuse and Prevention
4 Treatment Act.

5 Section 25. Duties. The Task Force shall:

6 (1) review models of family recovery plans that have
7 been implemented in other states;

8 (2) review research regarding implementation of family
9 recovery plans care;

10 (3) develop recommendations regarding the
11 implementation of a family recovery plan model in
12 Illinois, including developing an implementation plan and
13 identifying any necessary policy, rule, or statutory
14 changes.

15 Section 30. Report. The Task Force shall produce and
16 submit its recommendations to the General Assembly and the
17 Governor within one year after the first meeting of the Task
18 Force.

19 Section 35. Repeal. The Task Force is dissolved, and this
20 Act is repealed on, January 1, 2027.

21 Section 105. The Abused and Neglected Child Reporting Act
22 is amended by changing Section 3 and by adding Section 3.5 as

1 follows:

2 (325 ILCS 5/3) (from Ch. 23, par. 2053)

3 Sec. 3. As used in this Act unless the context otherwise
4 requires:

5 "Adult resident" means any person between 18 and 22 years
6 of age who resides in any facility licensed by the Department
7 under the Child Care Act of 1969. For purposes of this Act, the
8 criteria set forth in the definitions of "abused child" and
9 "neglected child" shall be used in determining whether an
10 adult resident is abused or neglected.

11 "Agency" means a child care facility licensed under
12 Section 2.05 or Section 2.06 of the Child Care Act of 1969 and
13 includes a transitional living program that accepts children
14 and adult residents for placement who are in the guardianship
15 of the Department.

16 "Blatant disregard" means an incident where the real,
17 significant, and imminent risk of harm would be so obvious to a
18 reasonable parent or caretaker that it is unlikely that a
19 reasonable parent or caretaker would have exposed the child to
20 the danger without exercising precautionary measures to
21 protect the child from harm. With respect to a person working
22 at an agency in his or her professional capacity with a child
23 or adult resident, "blatant disregard" includes a failure by
24 the person to perform job responsibilities intended to protect
25 the child's or adult resident's health, physical well-being,

1 or welfare, and, when viewed in light of the surrounding
2 circumstances, evidence exists that would cause a reasonable
3 person to believe that the child was neglected. With respect
4 to an agency, "blatant disregard" includes a failure to
5 implement practices that ensure the health, physical
6 well-being, or welfare of the children and adult residents
7 residing in the facility.

8 "CAPTA notification" refers to notification to the
9 Department of an infant who has been born and identified as
10 affected by prenatal substance exposure or a fetal alcohol
11 spectrum disorder as required under the federal Child Abuse
12 Prevention and Treatment Act.

13 "Child" means any person under the age of 18 years, unless
14 legally emancipated by reason of marriage or entry into a
15 branch of the United States armed services.

16 "Department" means Department of Children and Family
17 Services.

18 "Local law enforcement agency" means the police of a city,
19 town, village or other incorporated area or the sheriff of an
20 unincorporated area or any sworn officer of the Illinois State
21 Police.

22 "Abused child" means a child whose parent or immediate
23 family member, or any person responsible for the child's
24 welfare, or any individual residing in the same home as the
25 child, or a paramour of the child's parent:

26 (a) inflicts, causes to be inflicted, or allows to be

1 inflicted upon such child physical injury, by other than
2 accidental means, which causes death, disfigurement,
3 impairment of physical or emotional health, or loss or
4 impairment of any bodily function;

5 (b) creates a substantial risk of physical injury to
6 such child by other than accidental means which would be
7 likely to cause death, disfigurement, impairment of
8 physical or emotional health, or loss or impairment of any
9 bodily function;

10 (c) commits or allows to be committed any sex offense
11 against such child, as such sex offenses are defined in
12 the Criminal Code of 2012 or in the Wrongs to Children Act,
13 and extending those definitions of sex offenses to include
14 children under 18 years of age;

15 (d) commits or allows to be committed an act or acts of
16 torture upon such child;

17 (e) inflicts excessive corporal punishment or, in the
18 case of a person working for an agency who is prohibited
19 from using corporal punishment, inflicts corporal
20 punishment upon a child or adult resident with whom the
21 person is working in his or her professional capacity;

22 (f) commits or allows to be committed the offense of
23 female genital mutilation, as defined in Section 12-34 of
24 the Criminal Code of 2012, against the child;

25 (g) causes to be sold, transferred, distributed, or
26 given to such child under 18 years of age, a controlled

1 substance as defined in Section 102 of the Illinois
2 Controlled Substances Act in violation of Article IV of
3 the Illinois Controlled Substances Act or in violation of
4 the Methamphetamine Control and Community Protection Act,
5 except for controlled substances that are prescribed in
6 accordance with Article III of the Illinois Controlled
7 Substances Act and are dispensed to such child in a manner
8 that substantially complies with the prescription;

9 (h) commits or allows to be committed the offense of
10 involuntary servitude, involuntary sexual servitude of a
11 minor, or trafficking in persons as defined in Section
12 10-9 of the Criminal Code of 2012 against the child; or

13 (i) commits the offense of grooming, as defined in
14 Section 11-25 of the Criminal Code of 2012, against the
15 child.

16 A child shall not be considered abused for the sole reason
17 that the child has been relinquished in accordance with the
18 Abandoned Newborn Infant Protection Act.

19 "Neglected child" means any child who is not receiving the
20 proper or necessary nourishment or medically indicated
21 treatment including food or care not provided solely on the
22 basis of the present or anticipated mental or physical
23 impairment as determined by a physician acting alone or in
24 consultation with other physicians or otherwise is not
25 receiving the proper or necessary support or medical or other
26 remedial care recognized under State law as necessary for a

1 child's well-being, or other care necessary for his or her
2 well-being, including adequate food, clothing and shelter; or
3 who is subjected to an environment which is injurious insofar
4 as (i) the child's environment creates a likelihood of harm to
5 the child's health, physical well-being, or welfare and (ii)
6 the likely harm to the child is the result of a blatant
7 disregard of parent, caretaker, person responsible for the
8 child's welfare, or agency responsibilities; or who is
9 abandoned by his or her parents or other person responsible
10 for the child's welfare without a proper plan of care; or who
11 has been provided with interim crisis intervention services
12 under Section 3-5 of the Juvenile Court Act of 1987 and whose
13 parent, guardian, or custodian refuses to permit the child to
14 return home and no other living arrangement agreeable to the
15 parent, guardian, or custodian can be made, and the parent,
16 guardian, or custodian has not made any other appropriate
17 living arrangement for the child; or who is a newborn infant
18 whose blood, urine, or meconium contains any amount of a
19 controlled substance as defined in subsection (f) of Section
20 102 of the Illinois Controlled Substances Act or a metabolite
21 thereof, with the exception of a controlled substance or
22 metabolite thereof whose presence in the newborn infant is the
23 result of medical treatment administered to the mother or the
24 newborn infant. A child shall not be considered neglected for
25 the sole reason that the child's parent or other person
26 responsible for his or her welfare has left the child in the

1 care of an adult relative for any period of time. A child shall
2 not be considered neglected for the sole reason that the child
3 has been relinquished in accordance with the Abandoned Newborn
4 Infant Protection Act. A child shall not be considered
5 neglected or abused for the sole reason that such child's
6 parent or other person responsible for his or her welfare
7 depends upon spiritual means through prayer alone for the
8 treatment or cure of disease or remedial care as provided
9 under Section 4 of this Act. A child shall not be considered
10 neglected or abused solely because the child is not attending
11 school in accordance with the requirements of Article 26 of
12 The School Code, as amended.

13 "Child Protective Service Unit" means certain specialized
14 State employees of the Department assigned by the Director to
15 perform the duties and responsibilities as provided under
16 Section 7.2 of this Act.

17 "Near fatality" means an act that, as certified by a
18 physician, places the child in serious or critical condition,
19 including acts of great bodily harm inflicted upon children
20 under 13 years of age, and as otherwise defined by Department
21 rule.

22 "Great bodily harm" includes bodily injury which creates a
23 high probability of death, or which causes serious permanent
24 disfigurement, or which causes a permanent or protracted loss
25 or impairment of the function of any bodily member or organ, or
26 other serious bodily harm.

1 "Person responsible for the child's welfare" means the
2 child's parent; guardian; foster parent; relative caregiver;
3 any person responsible for the child's welfare in a public or
4 private residential agency or institution; any person
5 responsible for the child's welfare within a public or private
6 profit or not for profit child care facility; or any other
7 person responsible for the child's welfare at the time of the
8 alleged abuse or neglect, including any person who commits or
9 allows to be committed, against the child, the offense of
10 involuntary servitude, involuntary sexual servitude of a
11 minor, or trafficking in persons for forced labor or services,
12 as provided in Section 10-9 of the Criminal Code of 2012,
13 including, but not limited to, the custodian of the minor, or
14 any person who came to know the child through an official
15 capacity or position of trust, including, but not limited to,
16 health care professionals, educational personnel, recreational
17 supervisors, members of the clergy, and volunteers or support
18 personnel in any setting where children may be subject to
19 abuse or neglect.

20 "Temporary protective custody" means custody within a
21 hospital or other medical facility or a place previously
22 designated for such custody by the Department, subject to
23 review by the Court, including a licensed foster home, group
24 home, or other institution; but such place shall not be a jail
25 or other place for the detention of criminal or juvenile
26 offenders.

1 "An unfounded report" means any report made under this Act
2 for which it is determined after an investigation that no
3 credible evidence of abuse or neglect exists.

4 "An indicated report" means a report made under this Act
5 if an investigation determines that credible evidence of the
6 alleged abuse or neglect exists.

7 "An undetermined report" means any report made under this
8 Act in which it was not possible to initiate or complete an
9 investigation on the basis of information provided to the
10 Department.

11 "Subject of report" means any child reported to the
12 central register of child abuse and neglect established under
13 Section 7.7 of this Act as an alleged victim of child abuse or
14 neglect and the parent or guardian of the alleged victim or
15 other person responsible for the alleged victim's welfare who
16 is named in the report or added to the report as an alleged
17 perpetrator of child abuse or neglect.

18 "Perpetrator" means a person who, as a result of
19 investigation, has been determined by the Department to have
20 caused child abuse or neglect.

21 "Member of the clergy" means a clergyman or practitioner
22 of any religious denomination accredited by the religious body
23 to which he or she belongs.

24 (Source: P.A. 102-567, eff. 1-1-22; 102-676, eff. 12-3-21;
25 102-813, eff. 5-13-22.)

1 (325 ILCS 5/3.5 new)

2 Sec. 3.5. CAPTA notification. The Department shall develop
3 a standardized CAPTA notification form that is separate and
4 distinct from the form for written confirmation reports of
5 child abuse or neglect as described in Section 7 of this Act. A
6 CAPTA notification shall not be treated as a report of
7 suspected child abuse or neglect under this Act. CAPTA
8 notifications shall not be recorded in the State Central
9 Registry and shall not be discoverable or admissible as
10 evidence in any proceeding pursuant to the Juvenile Court Act
11 of 1987 or the Adoption Act unless the named party waives his
12 or her right to confidentiality in writing.

13 (325 ILCS 5/4.4 rep.)

14 Section 110. The Abused and Neglected Child Reporting Act
15 is amended by repealing Section 4.4.

16 Section 115. The Juvenile Court Act of 1987 is amended by
17 changing Sections 2-3 and 2-18 as follows:

18 (705 ILCS 405/2-3) (from Ch. 37, par. 802-3)

19 Sec. 2-3. Neglected or abused minor.

20 (1) Those who are neglected include:

21 (a) any minor under 18 years of age or a minor 18 years
22 of age or older for whom the court has made a finding of
23 probable cause to believe that the minor is abused,

1 neglected, or dependent under subsection (1) of Section
2 2-10 prior to the minor's 18th birthday who is not
3 receiving the proper or necessary support, education as
4 required by law, or medical or other remedial care
5 recognized under State law as necessary for a minor's
6 well-being, or other care necessary for his or her
7 well-being, including adequate food, clothing and shelter,
8 or who is abandoned by his or her parent or parents or
9 other person or persons responsible for the minor's
10 welfare, except that a minor shall not be considered
11 neglected for the sole reason that the minor's parent or
12 parents or other person or persons responsible for the
13 minor's welfare have left the minor in the care of an adult
14 relative for any period of time, who the parent or parents
15 or other person responsible for the minor's welfare know
16 is both a mentally capable adult relative and physically
17 capable adult relative, as defined by this Act; or

18 (b) any minor under 18 years of age or a minor 18 years
19 of age or older for whom the court has made a finding of
20 probable cause to believe that the minor is abused,
21 neglected, or dependent under subsection (1) of Section
22 2-10 prior to the minor's 18th birthday whose environment
23 is injurious to his or her welfare; or

24 (c) (blank) ~~any newborn infant whose blood, urine, or~~
25 ~~meconium contains any amount of a controlled substance as~~
26 ~~defined in subsection (f) of Section 102 of the Illinois~~

1 ~~Controlled Substances Act, as now or hereafter amended, or~~
2 ~~a metabolite of a controlled substance, with the exception~~
3 ~~of controlled substances or metabolites of such~~
4 ~~substances, the presence of which in the newborn infant is~~
5 ~~the result of medical treatment administered to the mother~~
6 ~~or the newborn infant; or~~

7 (d) any minor under the age of 14 years whose parent or
8 other person responsible for the minor's welfare leaves
9 the minor without supervision for an unreasonable period
10 of time without regard for the mental or physical health,
11 safety, or welfare of that minor; or

12 (e) any minor who has been provided with interim
13 crisis intervention services under Section 3-5 of this Act
14 and whose parent, guardian, or custodian refuses to permit
15 the minor to return home unless the minor is an immediate
16 physical danger to himself, herself, or others living in
17 the home.

18 Whether the minor was left without regard for the mental
19 or physical health, safety, or welfare of that minor or the
20 period of time was unreasonable shall be determined by
21 considering the following factors, including but not limited
22 to:

- 23 (1) the age of the minor;
- 24 (2) the number of minors left at the location;
- 25 (3) special needs of the minor, including whether the
26 minor is a person with a physical or mental disability, or

1 otherwise in need of ongoing prescribed medical treatment
2 such as periodic doses of insulin or other medications;

3 (4) the duration of time in which the minor was left
4 without supervision;

5 (5) the condition and location of the place where the
6 minor was left without supervision;

7 (6) the time of day or night when the minor was left
8 without supervision;

9 (7) the weather conditions, including whether the
10 minor was left in a location with adequate protection from
11 the natural elements such as adequate heat or light;

12 (8) the location of the parent or guardian at the time
13 the minor was left without supervision, the physical
14 distance the minor was from the parent or guardian at the
15 time the minor was without supervision;

16 (9) whether the minor's movement was restricted, or
17 the minor was otherwise locked within a room or other
18 structure;

19 (10) whether the minor was given a phone number of a
20 person or location to call in the event of an emergency and
21 whether the minor was capable of making an emergency call;

22 (11) whether there was food and other provision left
23 for the minor;

24 (12) whether any of the conduct is attributable to
25 economic hardship or illness and the parent, guardian or
26 other person having physical custody or control of the

1 child made a good faith effort to provide for the health
2 and safety of the minor;

3 (13) the age and physical and mental capabilities of
4 the person or persons who provided supervision for the
5 minor;

6 (14) whether the minor was left under the supervision
7 of another person;

8 (15) any other factor that would endanger the health
9 and safety of that particular minor.

10 A minor shall not be considered neglected for the sole
11 reason that the minor has been relinquished in accordance with
12 the Abandoned Newborn Infant Protection Act.

13 (2) Those who are abused include any minor under 18 years
14 of age or a minor 18 years of age or older for whom the court
15 has made a finding of probable cause to believe that the minor
16 is abused, neglected, or dependent under subsection (1) of
17 Section 2-10 prior to the minor's 18th birthday whose parent
18 or immediate family member, or any person responsible for the
19 minor's welfare, or any person who is in the same family or
20 household as the minor, or any individual residing in the same
21 home as the minor, or a paramour of the minor's parent:

22 (i) inflicts, causes to be inflicted, or allows to be
23 inflicted upon such minor physical injury, by other than
24 accidental means, which causes death, disfigurement,
25 impairment of physical or emotional health, or loss or
26 impairment of any bodily function;

1 (ii) creates a substantial risk of physical injury to
2 such minor by other than accidental means which would be
3 likely to cause death, disfigurement, impairment of
4 emotional health, or loss or impairment of any bodily
5 function;

6 (iii) commits or allows to be committed any sex
7 offense against such minor, as such sex offenses are
8 defined in the Criminal Code of 1961 or the Criminal Code
9 of 2012, or in the Wrongs to Children Act, and extending
10 those definitions of sex offenses to include minors under
11 18 years of age;

12 (iv) commits or allows to be committed an act or acts
13 of torture upon such minor;

14 (v) inflicts excessive corporal punishment;

15 (vi) commits or allows to be committed the offense of
16 involuntary servitude, involuntary sexual servitude of a
17 minor, or trafficking in persons as defined in Section
18 10-9 of the Criminal Code of 1961 or the Criminal Code of
19 2012, upon such minor; or

20 (vii) allows, encourages or requires a minor to commit
21 any act of prostitution, as defined in the Criminal Code
22 of 1961 or the Criminal Code of 2012, and extending those
23 definitions to include minors under 18 years of age.

24 A minor shall not be considered abused for the sole reason
25 that the minor has been relinquished in accordance with the
26 Abandoned Newborn Infant Protection Act.

1 (3) This Section does not apply to a minor who would be
2 included herein solely for the purpose of qualifying for
3 financial assistance for himself, his parents, guardian or
4 custodian.

5 (4) The changes made by this amendatory Act of the 101st
6 General Assembly apply to a case that is pending on or after
7 the effective date of this amendatory Act of the 101st General
8 Assembly.

9 (Source: P.A. 101-79, eff. 7-12-19.)

10 (705 ILCS 405/2-18) (from Ch. 37, par. 802-18)

11 Sec. 2-18. Evidence.

12 (1) At the adjudicatory hearing, the court shall first
13 consider only the question whether the minor is abused,
14 neglected or dependent. The standard of proof and the rules of
15 evidence in the nature of civil proceedings in this State are
16 applicable to proceedings under this Article. If the petition
17 also seeks the appointment of a guardian of the person with
18 power to consent to adoption of the minor under Section 2-29,
19 the court may also consider legally admissible evidence at the
20 adjudicatory hearing that one or more grounds of unfitness
21 exists under subdivision D of Section 1 of the Adoption Act.

22 (2) In any hearing under this Act, the following shall
23 constitute prima facie evidence of abuse or neglect, as the
24 case may be:

25 (a) proof that a minor has a medical diagnosis of

1 battered child syndrome is prima facie evidence of abuse;

2 (b) proof that a minor has a medical diagnosis of
3 failure to thrive syndrome is prima facie evidence of
4 neglect;

5 (c) (blank) ~~proof that a minor has a medical diagnosis~~
6 ~~of fetal alcohol syndrome is prima facie evidence of~~
7 ~~neglect;~~

8 (d) (blank) ~~proof that a minor has a medical diagnosis~~
9 ~~at birth of withdrawal symptoms from narcotics or~~
10 ~~barbiturates is prima facie evidence of neglect;~~

11 (e) proof of injuries sustained by a minor or of the
12 condition of a minor of such a nature as would ordinarily
13 not be sustained or exist except by reason of the acts or
14 omissions of the parent, custodian or guardian of such
15 minor shall be prima facie evidence of abuse or neglect,
16 as the case may be;

17 (f) proof that a parent, custodian or guardian of a
18 minor repeatedly used a drug, to the extent that it has or
19 would ordinarily have the effect of producing in the user
20 a substantial state of stupor, unconsciousness,
21 intoxication, hallucination, disorientation or
22 incompetence, or a substantial impairment of judgment, or
23 a substantial manifestation of irrationality, shall be
24 prima facie evidence of neglect;

25 (g) proof that a parent, custodian, or guardian of a
26 minor repeatedly used a controlled substance, as defined

1 in subsection (f) of Section 102 of the Illinois
2 Controlled Substances Act, in the presence of the minor or
3 a sibling of the minor is prima facie evidence of neglect.
4 "Repeated use", for the purpose of this subsection, means
5 more than one use of a controlled substance as defined in
6 subsection (f) of Section 102 of the Illinois Controlled
7 Substances Act;

8 (h) (blank) ~~proof that a newborn infant's blood,~~
9 ~~urine, or meconium contains any amount of a controlled~~
10 ~~substance as defined in subsection (f) of Section 102 of~~
11 ~~the Illinois Controlled Substances Act, or a metabolite of~~
12 ~~a controlled substance, with the exception of controlled~~
13 ~~substances or metabolites of those substances, the~~
14 ~~presence of which is the result of medical treatment~~
15 ~~administered to the mother or the newborn, is prime facie~~
16 ~~evidence of neglect;~~

17 (i) proof that a minor was present in a structure or
18 vehicle in which the minor's parent, custodian, or
19 guardian was involved in the manufacture of
20 methamphetamine constitutes prima facie evidence of abuse
21 and neglect;

22 (j) proof that a parent, custodian, or guardian of a
23 minor allows, encourages, or requires a minor to perform,
24 offer, or agree to perform any act of sexual penetration
25 as defined in Section 11-0.1 of the Criminal Code of 2012
26 for any money, property, token, object, or article or

1 anything of value, or any touching or fondling of the sex
2 organs of one person by another person, for any money,
3 property, token, object, or article or anything of value,
4 for the purpose of sexual arousal or gratification,
5 constitutes prima facie evidence of abuse and neglect;

6 (k) proof that a parent, custodian, or guardian of a
7 minor commits or allows to be committed the offense of
8 involuntary servitude, involuntary sexual servitude of a
9 minor, or trafficking in persons as defined in Section
10 10-9 of the Criminal Code of 1961 or the Criminal Code of
11 2012, upon such minor, constitutes prima facie evidence of
12 abuse and neglect.

13 (3) In any hearing under this Act, proof of the abuse,
14 neglect or dependency of one minor shall be admissible
15 evidence on the issue of the abuse, neglect or dependency of
16 any other minor for whom the respondent is responsible.

17 (4) (a) Any writing, record, photograph or x-ray of any
18 hospital or public or private agency, whether in the form of an
19 entry in a book or otherwise, made as a memorandum or record of
20 any condition, act, transaction, occurrence or event relating
21 to a minor in an abuse, neglect or dependency proceeding,
22 shall be admissible in evidence as proof of that condition,
23 act, transaction, occurrence or event, if the court finds that
24 the document was made in the regular course of the business of
25 the hospital or agency and that it was in the regular course of
26 such business to make it, at the time of the act, transaction,

1 occurrence or event, or within a reasonable time thereafter. A
2 certification by the head or responsible employee of the
3 hospital or agency that the writing, record, photograph or
4 x-ray is the full and complete record of the condition, act,
5 transaction, occurrence or event and that it satisfies the
6 conditions of this paragraph shall be prima facie evidence of
7 the facts contained in such certification. A certification by
8 someone other than the head of the hospital or agency shall be
9 accompanied by a photocopy of a delegation of authority signed
10 by both the head of the hospital or agency and by such other
11 employee. All other circumstances of the making of the
12 memorandum, record, photograph or x-ray, including lack of
13 personal knowledge of the maker, may be proved to affect the
14 weight to be accorded such evidence, but shall not affect its
15 admissibility.

16 (b) Any indicated report filed pursuant to the Abused and
17 Neglected Child Reporting Act shall be admissible in evidence.

18 (c) Previous statements made by the minor relating to any
19 allegations of abuse or neglect shall be admissible in
20 evidence. However, no such statement, if uncorroborated and
21 not subject to cross-examination, shall be sufficient in
22 itself to support a finding of abuse or neglect.

23 (d) There shall be a rebuttable presumption that a minor
24 is competent to testify in abuse or neglect proceedings. The
25 court shall determine how much weight to give to the minor's
26 testimony, and may allow the minor to testify in chambers with

1 only the court, the court reporter and attorneys for the
2 parties present.

3 (e) The privileged character of communication between any
4 professional person and patient or client, except privilege
5 between attorney and client, shall not apply to proceedings
6 subject to this Article.

7 (f) Proof of the impairment of emotional health or
8 impairment of mental or emotional condition as a result of the
9 failure of the respondent to exercise a minimum degree of care
10 toward a minor may include competent opinion or expert
11 testimony, and may include proof that such impairment lessened
12 during a period when the minor was in the care, custody or
13 supervision of a person or agency other than the respondent.

14 (5) In any hearing under this Act alleging neglect for
15 failure to provide education as required by law under
16 subsection (1) of Section 2-3, proof that a minor under 13
17 years of age who is subject to compulsory school attendance
18 under the School Code is a chronic truant as defined under the
19 School Code shall be prima facie evidence of neglect by the
20 parent or guardian in any hearing under this Act and proof that
21 a minor who is 13 years of age or older who is subject to
22 compulsory school attendance under the School Code is a
23 chronic truant shall raise a rebuttable presumption of neglect
24 by the parent or guardian. This subsection (5) shall not apply
25 in counties with 2,000,000 or more inhabitants.

26 (6) In any hearing under this Act, the court may take

1 judicial notice of prior sworn testimony or evidence admitted
2 in prior proceedings involving the same minor if (a) the
3 parties were either represented by counsel at such prior
4 proceedings or the right to counsel was knowingly waived and
5 (b) the taking of judicial notice would not result in
6 admitting hearsay evidence at a hearing where it would
7 otherwise be prohibited.

8 (Source: P.A. 96-1464, eff. 8-20-10; 97-897, eff. 1-1-13;
9 97-1150, eff. 1-25-13.)

10 Section 120. The Adoption Act is amended by changing
11 Section 1 as follows:

12 (750 ILCS 50/1) (from Ch. 40, par. 1501)

13 Sec. 1. Definitions. When used in this Act, unless the
14 context otherwise requires:

15 A. "Child" means a person under legal age subject to
16 adoption under this Act.

17 B. "Related child" means a child subject to adoption where
18 either or both of the adopting parents stands in any of the
19 following relationships to the child by blood, marriage,
20 adoption, or civil union: parent, grand-parent,
21 great-grandparent, brother, sister, step-parent,
22 step-grandparent, step-brother, step-sister, uncle, aunt,
23 great-uncle, great-aunt, first cousin, or second cousin. A
24 person is related to the child as a first cousin or second

1 cousin if they are both related to the same ancestor as either
2 grandchild or great-grandchild. A child whose parent has
3 executed a consent to adoption, a surrender, or a waiver
4 pursuant to Section 10 of this Act or whose parent has signed a
5 denial of paternity pursuant to Section 12 of the Vital
6 Records Act or Section 12a of this Act, or whose parent has had
7 his or her parental rights terminated, is not a related child
8 to that person, unless (1) the consent is determined to be void
9 or is void pursuant to subsection O of Section 10 of this Act;
10 or (2) the parent of the child executed a consent to adoption
11 by a specified person or persons pursuant to subsection A-1 of
12 Section 10 of this Act and a court of competent jurisdiction
13 finds that such consent is void; or (3) the order terminating
14 the parental rights of the parent is vacated by a court of
15 competent jurisdiction.

16 C. "Agency" for the purpose of this Act means a public
17 child welfare agency or a licensed child welfare agency.

18 D. "Unfit person" means any person whom the court shall
19 find to be unfit to have a child, without regard to the
20 likelihood that the child will be placed for adoption. The
21 grounds of unfitness are any one or more of the following,
22 except that a person shall not be considered an unfit person
23 for the sole reason that the person has relinquished a child in
24 accordance with the Abandoned Newborn Infant Protection Act:

25 (a) Abandonment of the child.

26 (a-1) Abandonment of a newborn infant in a hospital.

1 (a-2) Abandonment of a newborn infant in any setting
2 where the evidence suggests that the parent intended to
3 relinquish his or her parental rights.

4 (b) Failure to maintain a reasonable degree of
5 interest, concern or responsibility as to the child's
6 welfare.

7 (c) Desertion of the child for more than 3 months next
8 preceding the commencement of the Adoption proceeding.

9 (d) Substantial neglect of the child if continuous or
10 repeated.

11 (d-1) Substantial neglect, if continuous or repeated,
12 of any child residing in the household which resulted in
13 the death of that child.

14 (e) Extreme or repeated cruelty to the child.

15 (f) There is a rebuttable presumption, which can be
16 overcome only by clear and convincing evidence, that a
17 parent is unfit if:

18 (1) Two or more findings of physical abuse have
19 been entered regarding any children under Section 2-21
20 of the Juvenile Court Act of 1987, the most recent of
21 which was determined by the juvenile court hearing the
22 matter to be supported by clear and convincing
23 evidence; or

24 (2) The parent has been convicted or found not
25 guilty by reason of insanity and the conviction or
26 finding resulted from the death of any child by

1 physical abuse; or

2 (3) There is a finding of physical child abuse
3 resulting from the death of any child under Section
4 2-21 of the Juvenile Court Act of 1987.

5 No conviction or finding of delinquency pursuant to
6 Article V of the Juvenile Court Act of 1987 shall be
7 considered a criminal conviction for the purpose of
8 applying any presumption under this item (f).

9 (g) Failure to protect the child from conditions
10 within his environment injurious to the child's welfare.

11 (h) Other neglect of, or misconduct toward the child;
12 provided that in making a finding of unfitness the court
13 hearing the adoption proceeding shall not be bound by any
14 previous finding, order or judgment affecting or
15 determining the rights of the parents toward the child
16 sought to be adopted in any other proceeding except such
17 proceedings terminating parental rights as shall be had
18 under either this Act, the Juvenile Court Act or the
19 Juvenile Court Act of 1987.

20 (i) Depravity. Conviction of any one of the following
21 crimes shall create a presumption that a parent is
22 depraved which can be overcome only by clear and
23 convincing evidence: (1) first degree murder in violation
24 of paragraph (1) or (2) of subsection (a) of Section 9-1 of
25 the Criminal Code of 1961 or the Criminal Code of 2012 or
26 conviction of second degree murder in violation of

1 subsection (a) of Section 9-2 of the Criminal Code of 1961
2 or the Criminal Code of 2012 of a parent of the child to be
3 adopted; (2) first degree murder or second degree murder
4 of any child in violation of the Criminal Code of 1961 or
5 the Criminal Code of 2012; (3) attempt or conspiracy to
6 commit first degree murder or second degree murder of any
7 child in violation of the Criminal Code of 1961 or the
8 Criminal Code of 2012; (4) solicitation to commit murder
9 of any child, solicitation to commit murder of any child
10 for hire, or solicitation to commit second degree murder
11 of any child in violation of the Criminal Code of 1961 or
12 the Criminal Code of 2012; (5) predatory criminal sexual
13 assault of a child in violation of Section 11-1.40 or
14 12-14.1 of the Criminal Code of 1961 or the Criminal Code
15 of 2012; (6) heinous battery of any child in violation of
16 the Criminal Code of 1961; (7) aggravated battery of any
17 child in violation of the Criminal Code of 1961 or the
18 Criminal Code of 2012; (8) any violation of Section
19 11-1.20 or Section 12-13 of the Criminal Code of 1961 or
20 the Criminal Code of 2012; (9) any violation of subsection
21 (a) of Section 11-1.50 or Section 12-16 of the Criminal
22 Code of 1961 or the Criminal Code of 2012; (10) any
23 violation of Section 11-9.1 of the Criminal Code of 1961
24 or the Criminal Code of 2012; (11) any violation of
25 Section 11-9.1A of the Criminal Code of 1961 or the
26 Criminal Code of 2012; or (12) an offense in any other

1 state the elements of which are similar and bear a
2 substantial relationship to any of the enumerated offenses
3 in this subsection (i).

4 There is a rebuttable presumption that a parent is
5 deprived if the parent has been criminally convicted of at
6 least 3 felonies under the laws of this State or any other
7 state, or under federal law, or the criminal laws of any
8 United States territory; and at least one of these
9 convictions took place within 5 years of the filing of the
10 petition or motion seeking termination of parental rights.

11 There is a rebuttable presumption that a parent is
12 deprived if that parent has been criminally convicted of
13 either first or second degree murder of any person as
14 defined in the Criminal Code of 1961 or the Criminal Code
15 of 2012 within 10 years of the filing date of the petition
16 or motion to terminate parental rights.

17 No conviction or finding of delinquency pursuant to
18 Article 5 of the Juvenile Court Act of 1987 shall be
19 considered a criminal conviction for the purpose of
20 applying any presumption under this item (i).

21 (j) Open and notorious adultery or fornication.

22 (j-1) (Blank).

23 (k) Habitual drunkenness or addiction to drugs, other
24 than those prescribed by a physician, for at least one
25 year immediately prior to the commencement of the
26 unfitness proceeding.

1 ~~There is a rebuttable presumption that a parent is~~
2 ~~unfit under this subsection with respect to any child to~~
3 ~~which that parent gives birth where there is a confirmed~~
4 ~~test result that at birth the child's blood, urine, or~~
5 ~~meconium contained any amount of a controlled substance as~~
6 ~~defined in subsection (f) of Section 102 of the Illinois~~
7 ~~Controlled Substances Act or metabolites of such~~
8 ~~substances, the presence of which in the newborn infant~~
9 ~~was not the result of medical treatment administered to~~
10 ~~the mother or the newborn infant; and the biological~~
11 ~~mother of this child is the biological mother of at least~~
12 ~~one other child who was adjudicated a neglected minor~~
13 ~~under subsection (c) of Section 2-3 of the Juvenile Court~~
14 ~~Act of 1987.~~

15 (1) Failure to demonstrate a reasonable degree of
16 interest, concern or responsibility as to the welfare of a
17 new born child during the first 30 days after its birth.

18 (m) Failure by a parent (i) to make reasonable efforts
19 to correct the conditions that were the basis for the
20 removal of the child from the parent during any 9-month
21 period following the adjudication of neglected or abused
22 minor under Section 2-3 of the Juvenile Court Act of 1987
23 or dependent minor under Section 2-4 of that Act, or (ii)
24 to make reasonable progress toward the return of the child
25 to the parent during any 9-month period following the
26 adjudication of neglected or abused minor under Section

1 2-3 of the Juvenile Court Act of 1987 or dependent minor
2 under Section 2-4 of that Act. If a service plan has been
3 established as required under Section 8.2 of the Abused
4 and Neglected Child Reporting Act to correct the
5 conditions that were the basis for the removal of the
6 child from the parent and if those services were
7 available, then, for purposes of this Act, "failure to
8 make reasonable progress toward the return of the child to
9 the parent" includes the parent's failure to substantially
10 fulfill his or her obligations under the service plan and
11 correct the conditions that brought the child into care
12 during any 9-month period following the adjudication under
13 Section 2-3 or 2-4 of the Juvenile Court Act of 1987.
14 Notwithstanding any other provision, when a petition or
15 motion seeks to terminate parental rights on the basis of
16 item (ii) of this subsection (m), the petitioner shall
17 file with the court and serve on the parties a pleading
18 that specifies the 9-month period or periods relied on.
19 The pleading shall be filed and served on the parties no
20 later than 3 weeks before the date set by the court for
21 closure of discovery, and the allegations in the pleading
22 shall be treated as incorporated into the petition or
23 motion. Failure of a respondent to file a written denial
24 of the allegations in the pleading shall not be treated as
25 an admission that the allegations are true.

26 (m-1) (Blank).

1 (n) Evidence of intent to forgo his or her parental
2 rights, whether or not the child is a ward of the court,
3 (1) as manifested by his or her failure for a period of 12
4 months: (i) to visit the child, (ii) to communicate with
5 the child or agency, although able to do so and not
6 prevented from doing so by an agency or by court order, or
7 (iii) to maintain contact with or plan for the future of
8 the child, although physically able to do so, or (2) as
9 manifested by the father's failure, where he and the
10 mother of the child were unmarried to each other at the
11 time of the child's birth, (i) to commence legal
12 proceedings to establish his paternity under the Illinois
13 Parentage Act of 1984, the Illinois Parentage Act of 2015,
14 or the law of the jurisdiction of the child's birth within
15 30 days of being informed, pursuant to Section 12a of this
16 Act, that he is the father or the likely father of the
17 child or, after being so informed where the child is not
18 yet born, within 30 days of the child's birth, or (ii) to
19 make a good faith effort to pay a reasonable amount of the
20 expenses related to the birth of the child and to provide a
21 reasonable amount for the financial support of the child,
22 the court to consider in its determination all relevant
23 circumstances, including the financial condition of both
24 parents; provided that the ground for termination provided
25 in this subparagraph (n) (2) (ii) shall only be available
26 where the petition is brought by the mother or the husband

1 of the mother.

2 Contact or communication by a parent with his or her
3 child that does not demonstrate affection and concern does
4 not constitute reasonable contact and planning under
5 subdivision (n). In the absence of evidence to the
6 contrary, the ability to visit, communicate, maintain
7 contact, pay expenses and plan for the future shall be
8 presumed. The subjective intent of the parent, whether
9 expressed or otherwise, unsupported by evidence of the
10 foregoing parental acts manifesting that intent, shall not
11 preclude a determination that the parent has intended to
12 forgo his or her parental rights. In making this
13 determination, the court may consider but shall not
14 require a showing of diligent efforts by an authorized
15 agency to encourage the parent to perform the acts
16 specified in subdivision (n).

17 It shall be an affirmative defense to any allegation
18 under paragraph (2) of this subsection that the father's
19 failure was due to circumstances beyond his control or to
20 impediments created by the mother or any other person
21 having legal custody. Proof of that fact need only be by a
22 preponderance of the evidence.

23 (o) Repeated or continuous failure by the parents,
24 although physically and financially able, to provide the
25 child with adequate food, clothing, or shelter.

26 (p) Inability to discharge parental responsibilities

1 supported by competent evidence from a psychiatrist,
2 licensed clinical social worker, or clinical psychologist
3 of mental impairment, mental illness or an intellectual
4 disability as defined in Section 1-116 of the Mental
5 Health and Developmental Disabilities Code, or
6 developmental disability as defined in Section 1-106 of
7 that Code, and there is sufficient justification to
8 believe that the inability to discharge parental
9 responsibilities shall extend beyond a reasonable time
10 period. However, this subdivision (p) shall not be
11 construed so as to permit a licensed clinical social
12 worker to conduct any medical diagnosis to determine
13 mental illness or mental impairment.

14 (q) (Blank).

15 (r) The child is in the temporary custody or
16 guardianship of the Department of Children and Family
17 Services, the parent is incarcerated as a result of
18 criminal conviction at the time the petition or motion for
19 termination of parental rights is filed, prior to
20 incarceration the parent had little or no contact with the
21 child or provided little or no support for the child, and
22 the parent's incarceration will prevent the parent from
23 discharging his or her parental responsibilities for the
24 child for a period in excess of 2 years after the filing of
25 the petition or motion for termination of parental rights.

26 (s) The child is in the temporary custody or

1 guardianship of the Department of Children and Family
2 Services, the parent is incarcerated at the time the
3 petition or motion for termination of parental rights is
4 filed, the parent has been repeatedly incarcerated as a
5 result of criminal convictions, and the parent's repeated
6 incarceration has prevented the parent from discharging
7 his or her parental responsibilities for the child.

8 (t) (Blank). ~~A finding that at birth the child's~~
9 ~~blood, urine, or meconium contained any amount of a~~
10 ~~controlled substance as defined in subsection (f) of~~
11 ~~Section 102 of the Illinois Controlled Substances Act, or~~
12 ~~a metabolite of a controlled substance, with the exception~~
13 ~~of controlled substances or metabolites of such~~
14 ~~substances, the presence of which in the newborn infant~~
15 ~~was the result of medical treatment administered to the~~
16 ~~mother or the newborn infant, and that the biological~~
17 ~~mother of this child is the biological mother of at least~~
18 ~~one other child who was adjudicated a neglected minor~~
19 ~~under subsection (c) of Section 2-3 of the Juvenile Court~~
20 ~~Act of 1987, after which the biological mother had the~~
21 ~~opportunity to enroll in and participate in a clinically~~
22 ~~appropriate substance abuse counseling, treatment, and~~
23 ~~rehabilitation program.~~

24 E. "Parent" means a person who is the legal mother or legal
25 father of the child as defined in subsection X or Y of this
26 Section. For the purpose of this Act, a parent who has executed

1 a consent to adoption, a surrender, or a waiver pursuant to
2 Section 10 of this Act, who has signed a Denial of Paternity
3 pursuant to Section 12 of the Vital Records Act or Section 12a
4 of this Act, or whose parental rights have been terminated by a
5 court, is not a parent of the child who was the subject of the
6 consent, surrender, waiver, or denial unless (1) the consent
7 is void pursuant to subsection O of Section 10 of this Act; or
8 (2) the person executed a consent to adoption by a specified
9 person or persons pursuant to subsection A-1 of Section 10 of
10 this Act and a court of competent jurisdiction finds that the
11 consent is void; or (3) the order terminating the parental
12 rights of the person is vacated by a court of competent
13 jurisdiction.

14 F. A person is available for adoption when the person is:

15 (a) a child who has been surrendered for adoption to
16 an agency and to whose adoption the agency has thereafter
17 consented;

18 (b) a child to whose adoption a person authorized by
19 law, other than his parents, has consented, or to whose
20 adoption no consent is required pursuant to Section 8 of
21 this Act;

22 (c) a child who is in the custody of persons who intend
23 to adopt him through placement made by his parents;

24 (c-1) a child for whom a parent has signed a specific
25 consent pursuant to subsection O of Section 10;

26 (d) an adult who meets the conditions set forth in

1 Section 3 of this Act; or

2 (e) a child who has been relinquished as defined in
3 Section 10 of the Abandoned Newborn Infant Protection Act.

4 A person who would otherwise be available for adoption
5 shall not be deemed unavailable for adoption solely by reason
6 of his or her death.

7 G. The singular includes the plural and the plural
8 includes the singular and the "male" includes the "female", as
9 the context of this Act may require.

10 H. (Blank).

11 I. "Habitual residence" has the meaning ascribed to it in
12 the federal Intercountry Adoption Act of 2000 and regulations
13 promulgated thereunder.

14 J. "Immediate relatives" means the biological parents, the
15 parents of the biological parents and siblings of the
16 biological parents.

17 K. "Intercountry adoption" is a process by which a child
18 from a country other than the United States is adopted by
19 persons who are habitual residents of the United States, or
20 the child is a habitual resident of the United States who is
21 adopted by persons who are habitual residents of a country
22 other than the United States.

23 L. (Blank).

24 M. "Interstate Compact on the Placement of Children" is a
25 law enacted by all states and certain territories for the
26 purpose of establishing uniform procedures for handling the

1 interstate placement of children in foster homes, adoptive
2 homes, or other child care facilities.

3 N. (Blank).

4 O. "Preadoption requirements" means any conditions or
5 standards established by the laws or administrative rules of
6 this State that must be met by a prospective adoptive parent
7 prior to the placement of a child in an adoptive home.

8 P. "Abused child" means a child whose parent or immediate
9 family member, or any person responsible for the child's
10 welfare, or any individual residing in the same home as the
11 child, or a paramour of the child's parent:

12 (a) inflicts, causes to be inflicted, or allows to be
13 inflicted upon the child physical injury, by other than
14 accidental means, that causes death, disfigurement,
15 impairment of physical or emotional health, or loss or
16 impairment of any bodily function;

17 (b) creates a substantial risk of physical injury to
18 the child by other than accidental means which would be
19 likely to cause death, disfigurement, impairment of
20 physical or emotional health, or loss or impairment of any
21 bodily function;

22 (c) commits or allows to be committed any sex offense
23 against the child, as sex offenses are defined in the
24 Criminal Code of 2012 and extending those definitions of
25 sex offenses to include children under 18 years of age;

26 (d) commits or allows to be committed an act or acts of

1 torture upon the child; or

2 (e) inflicts excessive corporal punishment.

3 Q. "Neglected child" means any child whose parent or other
4 person responsible for the child's welfare withholds or denies
5 nourishment or medically indicated treatment including food or
6 care denied solely on the basis of the present or anticipated
7 mental or physical impairment as determined by a physician
8 acting alone or in consultation with other physicians or
9 otherwise does not provide the proper or necessary support,
10 education as required by law, or medical or other remedial
11 care recognized under State law as necessary for a child's
12 well-being, or other care necessary for his or her well-being,
13 including adequate food, clothing and shelter; or who is
14 abandoned by his or her parents or other person responsible
15 for the child's welfare.

16 A child shall not be considered neglected or abused for
17 the sole reason that the child's parent or other person
18 responsible for his or her welfare depends upon spiritual
19 means through prayer alone for the treatment or cure of
20 disease or remedial care as provided under Section 4 of the
21 Abused and Neglected Child Reporting Act. A child shall not be
22 considered neglected or abused for the sole reason that the
23 child's parent or other person responsible for the child's
24 welfare failed to vaccinate, delayed vaccination, or refused
25 vaccination for the child due to a waiver on religious or
26 medical grounds as permitted by law.

1 R. "Putative father" means a man who may be a child's
2 father, but who (1) is not married to the child's mother on or
3 before the date that the child was or is to be born and (2) has
4 not established paternity of the child in a court proceeding
5 before the filing of a petition for the adoption of the child.
6 The term includes a male who is less than 18 years of age.
7 "Putative father" does not mean a man who is the child's father
8 as a result of criminal sexual abuse or assault as defined
9 under Article 11 of the Criminal Code of 2012.

10 S. "Standby adoption" means an adoption in which a parent
11 consents to custody and termination of parental rights to
12 become effective upon the occurrence of a future event, which
13 is either the death of the parent or the request of the parent
14 for the entry of a final judgment of adoption.

15 T. (Blank).

16 T-5. "Biological parent", "birth parent", or "natural
17 parent" of a child are interchangeable terms that mean a
18 person who is biologically or genetically related to that
19 child as a parent.

20 U. "Interstate adoption" means the placement of a minor
21 child with a prospective adoptive parent for the purpose of
22 pursuing an adoption for that child that is subject to the
23 provisions of the Interstate Compact on the Placement of
24 Children.

25 V. (Blank).

26 W. (Blank).

1 X. "Legal father" of a child means a man who is recognized
2 as or presumed to be that child's father:

3 (1) because of his marriage to or civil union with the
4 child's parent at the time of the child's birth or within
5 300 days prior to that child's birth, unless he signed a
6 denial of paternity pursuant to Section 12 of the Vital
7 Records Act or a waiver pursuant to Section 10 of this Act;
8 or

9 (2) because his paternity of the child has been
10 established pursuant to the Illinois Parentage Act, the
11 Illinois Parentage Act of 1984, or the Gestational
12 Surrogacy Act; or

13 (3) because he is listed as the child's father or
14 parent on the child's birth certificate, unless he is
15 otherwise determined by an administrative or judicial
16 proceeding not to be the parent of the child or unless he
17 rescinds his acknowledgment of paternity pursuant to the
18 Illinois Parentage Act of 1984; or

19 (4) because his paternity or adoption of the child has
20 been established by a court of competent jurisdiction.

21 The definition in this subsection X shall not be construed
22 to provide greater or lesser rights as to the number of parents
23 who can be named on a final judgment order of adoption or
24 Illinois birth certificate that otherwise exist under Illinois
25 law.

26 Y. "Legal mother" of a child means a woman who is

1 recognized as or presumed to be that child's mother:

2 (1) because she gave birth to the child except as
3 provided in the Gestational Surrogacy Act; or

4 (2) because her maternity of the child has been
5 established pursuant to the Illinois Parentage Act of 1984
6 or the Gestational Surrogacy Act; or

7 (3) because her maternity or adoption of the child has
8 been established by a court of competent jurisdiction; or

9 (4) because of her marriage to or civil union with the
10 child's other parent at the time of the child's birth or
11 within 300 days prior to the time of birth; or

12 (5) because she is listed as the child's mother or
13 parent on the child's birth certificate unless she is
14 otherwise determined by an administrative or judicial
15 proceeding not to be the parent of the child.

16 The definition in this subsection Y shall not be construed
17 to provide greater or lesser rights as to the number of parents
18 who can be named on a final judgment order of adoption or
19 Illinois birth certificate that otherwise exist under Illinois
20 law.

21 Z. "Department" means the Illinois Department of Children
22 and Family Services.

23 AA. "Placement disruption" means a circumstance where the
24 child is removed from an adoptive placement before the
25 adoption is finalized.

26 BB. "Secondary placement" means a placement, including but

1 not limited to the placement of a youth in care as defined in
2 Section 4d of the Children and Family Services Act, that
3 occurs after a placement disruption or an adoption
4 dissolution. "Secondary placement" does not mean secondary
5 placements arising due to the death of the adoptive parent of
6 the child.

7 CC. "Adoption dissolution" means a circumstance where the
8 child is removed from an adoptive placement after the adoption
9 is finalized.

10 DD. "Unregulated placement" means the secondary placement
11 of a child that occurs without the oversight of the courts, the
12 Department, or a licensed child welfare agency.

13 EE. "Post-placement and post-adoption support services"
14 means support services for placed or adopted children and
15 families that include, but are not limited to, mental health
16 treatment, including counseling and other support services for
17 emotional, behavioral, or developmental needs, and treatment
18 for substance abuse.

19 FF. "Youth in care" has the meaning provided in Section 4d
20 of the Children and Family Services Act.

21 (Source: P.A. 101-155, eff. 1-1-20; 101-529, eff. 1-1-20;
22 102-139, eff. 1-1-22; 102-558, eff. 8-20-21.)

23 Section 999. Effective date. This Act takes effect upon
24 becoming law."