



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB3668

Introduced 2/14/2020, by Sen. Heather A. Steans

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/27-8.1	from Ch. 122, par. 27-8.1
110 ILCS 20/3	from Ch. 144, par. 2603
410 ILCS 210/4.5 new	
410 ILCS 315/1.5	
410 ILCS 315/2	from Ch. 111 1/2, par. 22.12
410 ILCS 527/15	
750 ILCS 50/1	from Ch. 40, par. 1501
410 ILCS 51/Act rep.	

Amends the School Code. Removes language exempting children from medical examinations and immunizations on religious grounds. Makes other changes. Amends the College Student Immunization Act. Removes language exempting proof of immunization if specified persons object to immunizations on religious grounds. Amends the Consent by Minors to Health Care Services Act. Provides that, notwithstanding any other provision of law to the contrary, a minor who is 14 years of age or older shall have the right to have administered to the minor an adequate dose or doses of an immunizing agent, vaccine, or booster shot for communicable diseases, regardless of whether the minor's parent or guardian consents to the administration of the immunizing agent, vaccine, or booster shot. Amends the Communicable Disease Prevention Act. Removes language providing that the Act does not apply if a parent or guardian of a child objects to immunization of his or her child for conflicting with his or her religious tenets or practices. Amends the Immunization Data Registry Act. Provides that specified persons shall (currently, may) provide immunization data or provider reports for patients less than 14 (currently, 18). Amends the Adoption Act. Removes language providing that a child shall not be considered neglected or abused for the sole reason that specified persons failed to vaccinate, delayed vaccination, or refused vaccination for the child due to a waiver on religious grounds. Repeals the Mercury-Free Vaccination Act. Effective July 1, 2022.

LRB101 18834 CPF 68291 b

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Section  
5 27-8.1 as follows:

6 (105 ILCS 5/27-8.1) (from Ch. 122, par. 27-8.1)

7 Sec. 27-8.1. Health examinations and immunizations.

8 (1) In compliance with rules and regulations which the  
9 Department of Public Health shall promulgate, and except as  
10 hereinafter provided, all children in Illinois shall have a  
11 health examination as follows: within one year prior to  
12 entering kindergarten or the first grade of any public,  
13 private, or parochial elementary school; upon entering the  
14 sixth and ninth grades of any public, private, or parochial  
15 school; prior to entrance into any public, private, or  
16 parochial nursery school; and, irrespective of grade,  
17 immediately prior to or upon entrance into any public, private,  
18 or parochial school or nursery school, each child shall present  
19 proof of having been examined in accordance with this Section  
20 and the rules and regulations promulgated hereunder. Any child  
21 who received a health examination within one year prior to  
22 entering the fifth grade for the 2007-2008 school year is not  
23 required to receive an additional health examination in order

1 to comply with the provisions of Public Act 95-422 when he or  
2 she attends school for the 2008-2009 school year, unless the  
3 child is attending school for the first time as provided in  
4 this paragraph.

5 A tuberculosis skin test screening shall be included as a  
6 required part of each health examination included under this  
7 Section if the child resides in an area designated by the  
8 Department of Public Health as having a high incidence of  
9 tuberculosis. Additional health examinations of pupils,  
10 including eye examinations, may be required when deemed  
11 necessary by school authorities. Parents are encouraged to have  
12 their children undergo eye examinations at the same points in  
13 time required for health examinations.

14 (1.5) In compliance with rules adopted by the Department of  
15 Public Health and except as otherwise provided in this Section,  
16 all children in kindergarten and the second, sixth, and ninth  
17 grades of any public, private, or parochial school shall have a  
18 dental examination. Each of these children shall present proof  
19 of having been examined by a dentist in accordance with this  
20 Section and rules adopted under this Section before May 15th of  
21 the school year. If a child in the second, sixth, or ninth  
22 grade fails to present proof by May 15th, the school may hold  
23 the child's report card until one of the following occurs: (i)  
24 the child presents proof of a completed dental examination or  
25 (ii) the child presents proof that a dental examination will  
26 take place within 60 days after May 15th. The Department of

1 Public Health shall establish, by rule, a waiver for children  
2 who show an undue burden or a lack of access to a dentist. Each  
3 public, private, and parochial school must give notice of this  
4 dental examination requirement to the parents and guardians of  
5 students at least 60 days before May 15th of each school year.

6 (1.10) Except as otherwise provided in this Section, all  
7 children enrolling in kindergarten in a public, private, or  
8 parochial school on or after January 1, 2008 (the effective  
9 date of Public Act 95-671) and any student enrolling for the  
10 first time in a public, private, or parochial school on or  
11 after January 1, 2008 (the effective date of Public Act 95-671)  
12 shall have an eye examination. Each of these children shall  
13 present proof of having been examined by a physician licensed  
14 to practice medicine in all of its branches or a licensed  
15 optometrist within the previous year, in accordance with this  
16 Section and rules adopted under this Section, before October  
17 15th of the school year. If the child fails to present proof by  
18 October 15th, the school may hold the child's report card until  
19 one of the following occurs: (i) the child presents proof of a  
20 completed eye examination or (ii) the child presents proof that  
21 an eye examination will take place within 60 days after October  
22 15th. The Department of Public Health shall establish, by rule,  
23 a waiver for children who show an undue burden or a lack of  
24 access to a physician licensed to practice medicine in all of  
25 its branches who provides eye examinations or to a licensed  
26 optometrist. Each public, private, and parochial school must

1 give notice of this eye examination requirement to the parents  
2 and guardians of students in compliance with rules of the  
3 Department of Public Health. Nothing in this Section shall be  
4 construed to allow a school to exclude a child from attending  
5 because of a parent's or guardian's failure to obtain an eye  
6 examination for the child.

7 (2) The Department of Public Health shall promulgate rules  
8 and regulations specifying the examinations and procedures  
9 that constitute a health examination, which shall include an  
10 age-appropriate developmental screening, an age-appropriate  
11 social and emotional screening, and the collection of data  
12 relating to asthma and obesity (including at a minimum, date of  
13 birth, gender, height, weight, blood pressure, and date of  
14 exam), and a dental examination and may recommend by rule that  
15 certain additional examinations be performed. The rules and  
16 regulations of the Department of Public Health shall specify  
17 that a tuberculosis skin test screening shall be included as a  
18 required part of each health examination included under this  
19 Section if the child resides in an area designated by the  
20 Department of Public Health as having a high incidence of  
21 tuberculosis. With respect to the developmental screening and  
22 the social and emotional screening, the Department of Public  
23 Health must, no later than January 1, 2019, develop rules and  
24 appropriate revisions to the Child Health Examination form in  
25 conjunction with a statewide organization representing school  
26 boards; a statewide organization representing pediatricians;

1 statewide organizations representing individuals holding  
2 Illinois educator licenses with school support personnel  
3 endorsements, including school social workers, school  
4 psychologists, and school nurses; a statewide organization  
5 representing children's mental health experts; a statewide  
6 organization representing school principals; the Director of  
7 Healthcare and Family Services or his or her designee, the  
8 State Superintendent of Education or his or her designee; and  
9 representatives of other appropriate State agencies and, at a  
10 minimum, must recommend the use of validated screening tools  
11 appropriate to the child's age or grade, and, with regard to  
12 the social and emotional screening, require recording only  
13 whether or not the screening was completed. The rules shall  
14 take into consideration the screening recommendations of the  
15 American Academy of Pediatrics and must be consistent with the  
16 State Board of Education's social and emotional learning  
17 standards. The Department of Public Health shall specify that a  
18 diabetes screening as defined by rule shall be included as a  
19 required part of each health examination. Diabetes testing is  
20 not required.

21 Physicians licensed to practice medicine in all of its  
22 branches, licensed advanced practice registered nurses, or  
23 licensed physician assistants shall be responsible for the  
24 performance of the health examinations, other than dental  
25 examinations, eye examinations, and vision and hearing  
26 screening, and shall sign all report forms required by

1 subsection (4) of this Section that pertain to those portions  
2 of the health examination for which the physician, advanced  
3 practice registered nurse, or physician assistant is  
4 responsible. If a registered nurse performs any part of a  
5 health examination, then a physician licensed to practice  
6 medicine in all of its branches must review and sign all  
7 required report forms. Licensed dentists shall perform all  
8 dental examinations and shall sign all report forms required by  
9 subsection (4) of this Section that pertain to the dental  
10 examinations. Physicians licensed to practice medicine in all  
11 its branches or licensed optometrists shall perform all eye  
12 examinations required by this Section and shall sign all report  
13 forms required by subsection (4) of this Section that pertain  
14 to the eye examination. For purposes of this Section, an eye  
15 examination shall at a minimum include history, visual acuity,  
16 subjective refraction to best visual acuity near and far,  
17 internal and external examination, and a glaucoma evaluation,  
18 as well as any other tests or observations that in the  
19 professional judgment of the doctor are necessary. Vision and  
20 hearing screening tests, which shall not be considered  
21 examinations as that term is used in this Section, shall be  
22 conducted in accordance with rules and regulations of the  
23 Department of Public Health, and by individuals whom the  
24 Department of Public Health has certified. In these rules and  
25 regulations, the Department of Public Health shall require that  
26 individuals conducting vision screening tests give a child's

1 parent or guardian written notification, before the vision  
2 screening is conducted, that states, "Vision screening is not a  
3 substitute for a complete eye and vision evaluation by an eye  
4 doctor. Your child is not required to undergo this vision  
5 screening if an optometrist or ophthalmologist has completed  
6 and signed a report form indicating that an examination has  
7 been administered within the previous 12 months."

8 (2.5) With respect to the developmental screening and the  
9 social and emotional screening portion of the health  
10 examination, each child may present proof of having been  
11 screened in accordance with this Section and the rules adopted  
12 under this Section before October 15th of the school year. With  
13 regard to the social and emotional screening only, the  
14 examining health care provider shall only record whether or not  
15 the screening was completed. If the child fails to present  
16 proof of the developmental screening or the social and  
17 emotional screening portions of the health examination by  
18 October 15th of the school year, qualified school support  
19 personnel may, with a parent's or guardian's consent, offer the  
20 developmental screening or the social and emotional screening  
21 to the child. Each public, private, and parochial school must  
22 give notice of the developmental screening and social and  
23 emotional screening requirements to the parents and guardians  
24 of students in compliance with the rules of the Department of  
25 Public Health. Nothing in this Section shall be construed to  
26 allow a school to exclude a child from attending because of a



1 parent's or guardian's failure to obtain a developmental  
2 screening or a social and emotional screening for the child.  
3 Once a developmental screening or a social and emotional  
4 screening is completed and proof has been presented to the  
5 school, the school may, with a parent's or guardian's consent,  
6 make available appropriate school personnel to work with the  
7 parent or guardian, the child, and the provider who signed the  
8 screening form to obtain any appropriate evaluations and  
9 services as indicated on the form and in other information and  
10 documentation provided by the parents, guardians, or provider.

11 (3) Every child shall, at or about the same time as he or  
12 she receives a health examination required by subsection (1) of  
13 this Section, present to the local school proof of having  
14 received such immunizations against preventable communicable  
15 diseases as the Department of Public Health shall require by  
16 rules and regulations promulgated pursuant to this Section and  
17 the Communicable Disease Prevention Act.

18 (4) The individuals conducting the health examination,  
19 dental examination, or eye examination shall record the fact of  
20 having conducted the examination, and such additional  
21 information as required, including for a health examination  
22 data relating to asthma and obesity (including at a minimum,  
23 date of birth, gender, height, weight, blood pressure, and date  
24 of exam), on uniform forms which the Department of Public  
25 Health and the State Board of Education shall prescribe for  
26 statewide use. The examiner shall summarize on the report form

1 any condition that he or she suspects indicates a need for  
2 special services, including for a health examination factors  
3 relating to asthma or obesity. The duty to summarize on the  
4 report form does not apply to social and emotional screenings.  
5 The confidentiality of the information and records relating to  
6 the developmental screening and the social and emotional  
7 screening shall be determined by the statutes, rules, and  
8 professional ethics governing the type of provider conducting  
9 the screening. The individuals confirming the administration  
10 of required immunizations shall record as indicated on the form  
11 that the immunizations were administered.

12 (5) If a child does not submit proof of having had either  
13 the health examination or the immunization as required, then  
14 the child shall be examined or receive the immunization, as the  
15 case may be, and present proof by October 15 of the current  
16 school year, or by an earlier date of the current school year  
17 established by a school district. To establish a date before  
18 October 15 of the current school year for the health  
19 examination or immunization as required, a school district must  
20 give notice of the requirements of this Section 60 days prior  
21 to the earlier established date. If for medical reasons one or  
22 more of the required immunizations must be given after October  
23 15 of the current school year, or after an earlier established  
24 date of the current school year, then the child shall present,  
25 by October 15, or by the earlier established date, a schedule  
26 for the administration of the immunizations and a statement of

1 the medical reasons causing the delay, both the schedule and  
2 the statement being issued by the physician, advanced practice  
3 registered nurse, physician assistant, registered nurse, or  
4 local health department that will be responsible for  
5 administration of the remaining required immunizations. If a  
6 child does not comply by October 15, or by the earlier  
7 established date of the current school year, with the  
8 requirements of this subsection, then the local school  
9 authority shall exclude that child from school until such time  
10 as the child presents proof of having had the health  
11 examination as required and presents proof of having received  
12 those required immunizations which are medically possible to  
13 receive immediately. During a child's exclusion from school for  
14 noncompliance with this subsection, the child's parents or  
15 legal guardian shall be considered in violation of Section 26-1  
16 and subject to any penalty imposed by Section 26-10. This  
17 subsection (5) does not apply to dental examinations, eye  
18 examinations, and the developmental screening and the social  
19 and emotional screening portions of the health examination. If  
20 the student is an out-of-state transfer student and does not  
21 have the proof required under this subsection (5) before  
22 October 15 of the current year or whatever date is set by the  
23 school district, then he or she may only attend classes (i) if  
24 he or she has proof that an appointment for the required  
25 vaccinations has been scheduled with a party authorized to  
26 submit proof of the required vaccinations. If the proof of

1 vaccination required under this subsection (5) is not submitted  
2 within 30 days after the student is permitted to attend  
3 classes, then the student is not to be permitted to attend  
4 classes until proof of the vaccinations has been properly  
5 submitted. No school district or employee of a school district  
6 shall be held liable for any injury or illness to another  
7 person that results from admitting an out-of-state transfer  
8 student to class that has an appointment scheduled pursuant to  
9 this subsection (5).

10 (6) Every school shall report to the State Board of  
11 Education by November 15, in the manner which that agency shall  
12 require, the number of children who have received the necessary  
13 immunizations and the health examination (other than a dental  
14 examination or eye examination) as required, indicating, of  
15 those who have not received the immunizations and examination  
16 as required, the number of children who are exempt from health  
17 examination and immunization requirements on ~~religious or~~  
18 medical grounds as provided in subsection (8). On or before  
19 December 1 of each year, every public school district and  
20 registered nonpublic school shall make publicly available the  
21 immunization data they are required to submit to the State  
22 Board of Education by November 15. The immunization data made  
23 publicly available must be identical to the data the school  
24 district or school has reported to the State Board of  
25 Education.

26 Every school shall report to the State Board of Education

1 by June 30, in the manner that the State Board requires, the  
2 number of children who have received the required dental  
3 examination, indicating, of those who have not received the  
4 required dental examination, ~~the number of children who are~~  
5 ~~exempt from the dental examination on religious grounds as~~  
6 ~~provided in subsection (8) of this Section~~ and the number of  
7 children who have received a waiver under subsection (1.5) of  
8 this Section.

9 Every school shall report to the State Board of Education  
10 by June 30, in the manner that the State Board requires, the  
11 number of children who have received the required eye  
12 examination, indicating, of those who have not received the  
13 required eye examination, the number of children who are exempt  
14 from the eye examination as provided in subsection (8) of this  
15 Section, the number of children who have received a waiver  
16 under subsection (1.10) of this Section, and the total number  
17 of children in noncompliance with the eye examination  
18 requirement.

19 The reported information under this subsection (6) shall be  
20 provided to the Department of Public Health by the State Board  
21 of Education.

22 (7) Upon determining that the number of pupils who are  
23 required to be in compliance with subsection (5) of this  
24 Section is below 90% of the number of pupils enrolled in the  
25 school district, 10% of each State aid payment made pursuant to  
26 Section 18-8.05 or 18-8.15 to the school district for such year

1 may be withheld by the State Board of Education until the  
2 number of students in compliance with subsection (5) is the  
3 applicable specified percentage or higher.

4 ~~(8) Children of parents or legal guardians who object to~~  
5 ~~health, dental, or eye examinations or any part thereof, to~~  
6 ~~immunizations, or to vision and hearing screening tests on~~  
7 ~~religious grounds shall not be required to undergo the~~  
8 ~~examinations, tests, or immunizations to which they so object~~  
9 ~~if such parents or legal guardians present to the appropriate~~  
10 ~~local school authority a signed Certificate of Religious~~  
11 ~~Exemption detailing the grounds for objection and the specific~~  
12 ~~immunizations, tests, or examinations to which they object. The~~  
13 ~~grounds for objection must set forth the specific religious~~  
14 ~~belief that conflicts with the examination, test,~~  
15 ~~immunization, or other medical intervention. The signed~~  
16 ~~certificate shall also reflect the parent's or legal guardian's~~  
17 ~~understanding of the school's exclusion policies in the case of~~  
18 ~~a vaccine preventable disease outbreak or exposure. The~~  
19 ~~certificate must also be signed by the authorized examining~~  
20 ~~health care provider responsible for the performance of the~~  
21 ~~child's health examination confirming that the provider~~  
22 ~~provided education to the parent or legal guardian on the~~  
23 ~~benefits of immunization and the health risks to the student~~  
24 ~~and to the community of the communicable diseases for which~~  
25 ~~immunization is required in this State. However, the health~~  
26 ~~care provider's signature on the certificate reflects only that~~

1 ~~education was provided and does not allow a health care~~  
2 ~~provider grounds to determine a religious exemption.~~ Those  
3 receiving immunizations required under this Code shall be  
4 provided with the relevant vaccine information statements that  
5 are required to be disseminated by the federal National  
6 Childhood Vaccine Injury Act of 1986, which may contain  
7 information on circumstances when a vaccine should not be  
8 administered, prior to administering a vaccine. A healthcare  
9 provider may consider including without limitation the  
10 nationally accepted recommendations from federal agencies such  
11 as the Advisory Committee on Immunization Practices (ACIP), the  
12 information outlined in the relevant vaccine information  
13 statement, and vaccine package inserts, along with the  
14 healthcare provider's clinical judgment, to determine whether  
15 any child may be exempted from required immunizations based on  
16 ACIP-defined contraindications ~~more susceptible to~~  
17 ~~experiencing an adverse vaccine reaction than the general~~  
18 ~~population~~, and, if so, the healthcare provider may exempt the  
19 child from an immunization or adopt an individualized  
20 immunization schedule. The child's medical exemption shall be  
21 re-certified by the healthcare provider each school year. The  
22 Department of Public Health shall adopt administrative rules to  
23 exclude unvaccinated children when a school's vaccination rate  
24 per disease falls below the scientifically established herd  
25 immunity level in accordance with the Department's rules under  
26 77 Ill. Adm. Code 690. ~~The Certificate of Religious Exemption~~

1 ~~shall be created by the Department of Public Health and shall~~  
2 ~~be made available and used by parents and legal guardians by~~  
3 ~~the beginning of the 2015-2016 school year. Parents or legal~~  
4 ~~guardians must submit the Certificate of Religious Exemption to~~  
5 ~~their local school authority prior to entering kindergarten,~~  
6 ~~sixth grade, and ninth grade for each child for which they are~~  
7 ~~requesting an exemption. The religious objection stated need~~  
8 ~~not be directed by the tenets of an established religious~~  
9 ~~organization. However, general philosophical or moral~~  
10 ~~reluctance to allow physical examinations, eye examinations,~~  
11 ~~immunizations, vision and hearing screenings, or dental~~  
12 ~~examinations does not provide a sufficient basis for an~~  
13 ~~exception to statutory requirements. The local school~~  
14 ~~authority is responsible for determining if the content of the~~  
15 ~~Certificate of Religious Exemption constitutes a valid~~  
16 ~~religious objection. The local school authority shall inform~~  
17 ~~the parent or legal guardian of exclusion procedures, in~~  
18 ~~accordance with the Department's rules under Part 690 of Title~~  
19 ~~77 of the Illinois Administrative Code, at the time the~~  
20 ~~objection is presented.~~

21       If the physical condition of the child is such that any one  
22 or more of the immunizing agents should not be administered,  
23 the examining physician, advanced practice registered nurse,  
24 or physician assistant responsible for the performance of the  
25 health examination shall endorse that fact upon the health  
26 examination form.



1           A medical exemption from immunizations ~~Exempting a child~~  
2 ~~from the health, dental, or eye examination~~ does not exempt the  
3 child from participation in the program of physical education  
4 training provided in Sections 27-5 through 27-7 of this Code.

5           (8.5) The school board of a school district shall include  
6 informational materials regarding influenza and influenza  
7 vaccinations and meningococcal disease and meningococcal  
8 vaccinations developed, provided, or approved by the  
9 Department of Public Health under Section 2310-700 of the  
10 Department of Public Health Powers and Duties Law of the Civil  
11 Administrative Code of Illinois when the board provides  
12 information on immunizations, infectious diseases,  
13 medications, or other school health issues to the parents or  
14 guardians of students.

15           (9) For the purposes of this Section, "nursery schools"  
16 means those nursery schools operated by elementary school  
17 systems or secondary level school units or institutions of  
18 higher learning.

19           (Source: P.A. 100-238, eff. 1-1-18; 100-465, eff. 8-31-17;  
20 100-513, eff. 1-1-18; 100-829, eff. 1-1-19; 100-863, eff.  
21 8-14-18; 100-977, eff. 1-1-19; 100-1011, eff. 8-21-18; 101-81,  
22 eff. 7-12-19.)

23           Section 10. The College Student Immunization Act is amended  
24 by changing Section 3 as follows:

1 (110 ILCS 20/3) (from Ch. 144, par. 2603)

2 Sec. 3. Exceptions.

3 (a) The provisions of this Act shall not apply to: (1)  
4 persons enrolled in a post-secondary educational institution  
5 on or before the effective date of this Act; (2) persons  
6 enrolled less than half-time during a term or semester; or (3)  
7 persons whose instruction solely involves research, field work  
8 or study outside of a classroom environment.

9 (b) No proof of immunization shall be required if a  
10 physician licensed to practice medicine in all of its branches  
11 certifies that any immunization required by the Department is  
12 medically contraindicated.

13 (c) (Blank) ~~No proof of immunization shall be required if~~  
14 ~~the person or his or her parent or guardian presents a signed~~  
15 ~~statement that he or she objects to immunizations on religious~~  
16 ~~grounds.~~

17 (d) The certificate of medical exemption ~~or statement of~~  
18 ~~religious objection~~ required by this Section shall be presented  
19 to the post-secondary educational institution.

20 (Source: P.A. 85-1315; 86-1406.)

21 Section 15. The Consent by Minors to Health Care Services  
22 Act is amended by adding Section 4.5 as follows:

23 (410 ILCS 210/4.5 new)

24 Sec. 4.5. Immunization. Notwithstanding any other

1 provision of law to the contrary, a minor who is 14 years of  
2 age or older shall have the right to have administered to the  
3 minor, by a licensed health care provider or properly  
4 authorized pharmacist in Illinois, an adequate dose or doses of  
5 an immunizing agent, vaccine, or booster shot for communicable  
6 diseases, including, but not limited to, poliomyelitis, mumps,  
7 measles, diphtheria, rubella, varicella, Haemophilus influenza  
8 type b (Hib), pertussis, tetanus, pneumococcal disease,  
9 meningococcal disease, human papillomavirus (HPV), hepatitis  
10 B, or influenza, regardless of whether the minor's parent or  
11 guardian consents to the administration of the immunizing  
12 agent, vaccine, or booster shot. If the minor's parent or  
13 guardian does not consent, the minor shall be deemed to have  
14 the same legal capacity to act and the same powers and  
15 obligations as a person of legal age of majority. The consent  
16 of the minor to the administration of an immunizing agent,  
17 vaccine, or booster shot shall be valid and binding as if the  
18 minor had attained the age of majority. The consent shall not  
19 be voidable or subject to later disaffirmance because of  
20 minority.

21 Section 20. The Communicable Disease Prevention Act is  
22 amended by changing Sections 1.5 and 2 as follows:

23 (410 ILCS 315/1.5)

24 Sec. 1.5. Pneumococcal conjugate vaccine. Notwithstanding

1 Section 2 of this Act, within 30 days of the effective date of  
2 this amendatory Act of the 95th General Assembly, the  
3 Department shall promulgate rules and regulations, and shall  
4 submit those rules and regulations in accordance with the  
5 rulemaking first notice requirements under Section 5-40 of the  
6 Illinois Administrative Procedure Act, requiring the  
7 age-appropriate series of pneumococcal conjugate vaccine, as  
8 recommended by the Advisory Committee on Immunization  
9 Practices of the Centers for Disease Control and Prevention, to  
10 a child younger than 2 years of age who is enrolled or  
11 enrolling in a licensed child care facility, as that term is  
12 defined in the Child Care Act of 1969. The Department shall  
13 also establish protocols for children younger than 2 years of  
14 age to catch up on missed doses. A child care facility must be  
15 able to furnish proof of compliance with this Section for all  
16 children at the facility, beginning January 1, 2008.

17 The provisions of this Section shall not apply if:

18 ~~(1) the parent or guardian of the child objects thereto~~  
19 ~~on the grounds that the administration of immunizing agents~~  
20 ~~conflicts with his or her religious tenets or practices; or~~

21 ~~(2) a physician employed by the parent or guardian to~~  
22 provide care and treatment to the child states that the  
23 physical condition of the child is such that the  
24 administration of the required immunizing agent would be  
25 detrimental to the health of the child.

26 (Source: P.A. 95-159, eff. 8-14-07.)

1 (410 ILCS 315/2) (from Ch. 111 1/2, par. 22.12)

2 Sec. 2. The Department of Public Health shall promulgate  
3 rules and regulations requiring immunization of children  
4 against preventable communicable diseases designated by the  
5 Director. Before any regulation or amendment thereto is  
6 prescribed, the Department shall conduct a public hearing  
7 regarding such regulation. In addition, before any regulation  
8 or any amendment to a regulation is adopted, and after the  
9 Immunization Advisory Committee has made its recommendations,  
10 the State Board of Health shall conduct 3 public hearings,  
11 geographically distributed throughout the State, regarding the  
12 regulation or amendment to the regulation. At the conclusion of  
13 the hearings, the State Board of Health shall issue a report,  
14 including its recommendations, to the Director. The Director  
15 shall take into consideration any comments or recommendations  
16 made by the Board based on these hearings. The Department may  
17 prescribe additional rules and regulations for immunization of  
18 other diseases as vaccines are developed.

19 The provisions of this Act shall not apply if a+

20 ~~1. The parent or guardian of the child objects thereto on~~  
21 ~~the grounds that the administration of immunizing agents~~  
22 ~~conflicts with his religious tenets or practices or,~~

23 ~~2. A physician employed by the parent or guardian to~~  
24 ~~provide care and treatment to the child states that the~~  
25 ~~physical condition of the child is such that the administration~~

1 of one or more of the required immunizing agents would be  
2 detrimental to the health of the child.

3 (Source: P.A. 90-607, eff. 6-30-98.)

4 Section 25. The Immunization Data Registry Act is amended  
5 by changing Section 15 as follows:

6 (410 ILCS 527/15)

7 Sec. 15. Provision of immunization data to registry;  
8 exemption forms; written information on immunization registry.

9 (a) A health care provider, physician's designee, or  
10 pharmacist's designee shall ~~may~~ provide immunization data to be  
11 entered into the immunization data registry in a manner  
12 prescribed by the Department and for the purposes allowed under  
13 this Act unless the patient or the patient's parent or  
14 guardian, if the patient is less than 14 ~~18~~ years of age, has  
15 completed and filed with the provider, physician's designee, or  
16 pharmacist's designee a written immunization data exemption  
17 form.

18 (b) The Department shall create and provide copies of  
19 immunization data exemption forms to health care providers who  
20 are authorized to administer immunizations and individuals who  
21 request the form. The forms shall also be accessible from the  
22 immunization data registry system itself.

23 (c) The Department shall distribute to health care  
24 providers, upon request, written information to be

1 disseminated to patients that describes the immunization data  
2 registry. The written information and the immunization data  
3 exemption forms must include all of the following information:

4 (1) A description of the immunization data registry and  
5 its purpose.

6 (2) That the health care provider shall ~~may~~ report  
7 immunization data to the Department to be entered into the  
8 immunization data registry.

9 (3) That the patient or the patient's parent or  
10 guardian, if the patient is less than 14 ~~18~~ years of age,  
11 has a right to exempt disclosure of immunization data to  
12 the registry and may prevent disclosure by signing an  
13 immunization data exemption form.

14 (4) That the patient or the patient's parent or  
15 guardian, if the patient is less than 14 ~~18~~ years of age,  
16 may have the individual's information removed from the  
17 immunization data registry.

18 (5) Instructions on how to have the information  
19 removed.

20 (Source: P.A. 97-117, eff. 7-14-11.)

21 Section 30. The Adoption Act is amended by changing Section  
22 1 as follows:

23 (750 ILCS 50/1) (from Ch. 40, par. 1501)

24 Sec. 1. Definitions. When used in this Act, unless the

1 context otherwise requires:

2 A. "Child" means a person under legal age subject to  
3 adoption under this Act.

4 B. "Related child" means a child subject to adoption where  
5 either or both of the adopting parents stands in any of the  
6 following relationships to the child by blood, marriage,  
7 adoption, or civil union: parent, grand-parent,  
8 great-grandparent, brother, sister, step-parent,  
9 step-grandparent, step-brother, step-sister, uncle, aunt,  
10 great-uncle, great-aunt, first cousin, or second cousin. A  
11 person is related to the child as a first cousin or second  
12 cousin if they are both related to the same ancestor as either  
13 grandchild or great-grandchild. A child whose parent has  
14 executed a consent to adoption, a surrender, or a waiver  
15 pursuant to Section 10 of this Act or whose parent has signed a  
16 denial of paternity pursuant to Section 12 of the Vital Records  
17 Act or Section 12a of this Act, or whose parent has had his or  
18 her parental rights terminated, is not a related child to that  
19 person, unless (1) the consent is determined to be void or is  
20 void pursuant to subsection O of Section 10 of this Act; or (2)  
21 the parent of the child executed a consent to adoption by a  
22 specified person or persons pursuant to subsection A-1 of  
23 Section 10 of this Act and a court of competent jurisdiction  
24 finds that such consent is void; or (3) the order terminating  
25 the parental rights of the parent is vacated by a court of  
26 competent jurisdiction.



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

3 D. "Unfit person" means any person whom the court shall  
4 find to be unfit to have a child, without regard to the  
5 likelihood that the child will be placed for adoption. The  
6 grounds of unfitness are any one or more of the following,  
7 except that a person shall not be considered an unfit person  
8 for the sole reason that the person has relinquished a child in  
9 accordance with the Abandoned Newborn Infant Protection Act:

10 (a) Abandonment of the child.

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

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

15 (b) Failure to maintain a reasonable degree of  
16 interest, concern or responsibility as to the child's  
17 welfare.

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

20 (d) Substantial neglect of the child if continuous or  
21 repeated.

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

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

26 (f) There is a rebuttable presumption, which can be

1 overcome only by clear and convincing evidence, that a  
2 parent is unfit if:

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

9 (2) The parent has been convicted or found not  
10 guilty by reason of insanity and the conviction or  
11 finding resulted from the death of any child by  
12 physical abuse; or

13 (3) There is a finding of physical child abuse  
14 resulting from the death of any child under Section  
15 2-21 of the Juvenile Court Act of 1987.

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

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

22 (h) Other neglect of, or misconduct toward the child;  
23 provided that in making a finding of unfitness the court  
24 hearing the adoption proceeding shall not be bound by any  
25 previous finding, order or judgment affecting or  
26 determining the rights of the parents toward the child

1 sought to be adopted in any other proceeding except such  
2 proceedings terminating parental rights as shall be had  
3 under either this Act, the Juvenile Court Act or the  
4 Juvenile Court Act of 1987.

5 (i) Depravity. Conviction of any one of the following  
6 crimes shall create a presumption that a parent is deprived  
7 which can be overcome only by clear and convincing  
8 evidence: (1) first degree murder in violation of paragraph  
9 (1) ~~±~~ or (2) ~~±~~ of subsection (a) of Section 9-1 of the  
10 Criminal Code of 1961 or the Criminal Code of 2012 or  
11 conviction of second degree murder in violation of  
12 subsection (a) of Section 9-2 of the Criminal Code of 1961  
13 or the Criminal Code of 2012 of a parent of the child to be  
14 adopted; (2) first degree murder or second degree murder of  
15 any child in violation of the Criminal Code of 1961 or the  
16 Criminal Code of 2012; (3) attempt or conspiracy to commit  
17 first degree murder or second degree murder of any child in  
18 violation of the Criminal Code of 1961 or the Criminal Code  
19 of 2012; (4) solicitation to commit murder of any child,  
20 solicitation to commit murder of any child for hire, or  
21 solicitation to commit second degree murder of any child in  
22 violation of the Criminal Code of 1961 or the Criminal Code  
23 of 2012; (5) predatory criminal sexual assault of a child  
24 in violation of Section 11-1.40 or 12-14.1 of the Criminal  
25 Code of 1961 or the Criminal Code of 2012; (6) heinous  
26 battery of any child in violation of the Criminal Code of

1 1961; (7) aggravated battery of any child in violation of  
2 the Criminal Code of 1961 or the Criminal Code of 2012; (8)  
3 any violation of Section 11-1.20 or Section 12-13 of the  
4 Criminal Code of 1961 or the Criminal Code of 2012; (9) any  
5 violation of subsection (a) of Section 11-1.50 or Section  
6 12-16 of the Criminal Code of 1961 or the Criminal Code of  
7 2012; (10) any violation of Section 11-9.1 of the Criminal  
8 Code of 1961 or the Criminal Code of 2012; (11) any  
9 violation of Section 11-9.1A of the Criminal Code of 1961  
10 or the Criminal Code of 2012; or (12) an offense in any  
11 other state the elements of which are similar and bear a  
12 substantial relationship to any of the enumerated offenses  
13 in this subsection (i).

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

21 There is a rebuttable presumption that a parent is  
22 deprived if that parent has been criminally convicted of  
23 either first or second degree murder of any person as  
24 defined in the Criminal Code of 1961 or the Criminal Code  
25 of 2012 within 10 years of the filing date of the petition  
26 or motion to terminate parental rights.

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

5           (j) Open and notorious adultery or fornication.

6           (j-1) (Blank).

7           (k) Habitual drunkenness or addiction to drugs, other  
8 than those prescribed by a physician, for at least one year  
9 immediately prior to the commencement of the unfitness  
10 proceeding.

11           There is a rebuttable presumption that a parent is  
12 unfit under this subsection with respect to any child to  
13 which that parent gives birth where there is a confirmed  
14 test result that at birth the child's blood, urine, or  
15 meconium contained any amount of a controlled substance as  
16 defined in subsection (f) of Section 102 of the Illinois  
17 Controlled Substances Act or metabolites of such  
18 substances, the presence of which in the newborn infant was  
19 not the result of medical treatment administered to the  
20 mother or the newborn infant; and the biological mother of  
21 this child is the biological mother of at least one other  
22 child who was adjudicated a neglected minor under  
23 subsection (c) of Section 2-3 of the Juvenile Court Act of  
24 1987.

25           (l) Failure to demonstrate a reasonable degree of  
26 interest, concern or responsibility as to the welfare of a

1 new born child during the first 30 days after its birth.

2 (m) Failure by a parent (i) to make reasonable efforts  
3 to correct the conditions that were the basis for the  
4 removal of the child from the parent during any 9-month  
5 period following the adjudication of neglected or abused  
6 minor under Section 2-3 of the Juvenile Court Act of 1987  
7 or dependent minor under Section 2-4 of that Act, or (ii)  
8 to make reasonable progress toward the return of the child  
9 to the parent during any 9-month period following the  
10 adjudication of neglected or abused minor under Section 2-3  
11 of the Juvenile Court Act of 1987 or dependent minor under  
12 Section 2-4 of that Act. If a service plan has been  
13 established as required under Section 8.2 of the Abused and  
14 Neglected Child Reporting Act to correct the conditions  
15 that were the basis for the removal of the child from the  
16 parent and if those services were available, then, for  
17 purposes of this Act, "failure to make reasonable progress  
18 toward the return of the child to the parent" includes the  
19 parent's failure to substantially fulfill his or her  
20 obligations under the service plan and correct the  
21 conditions that brought the child into care during any  
22 9-month period following the adjudication under Section  
23 2-3 or 2-4 of the Juvenile Court Act of 1987.  
24 Notwithstanding any other provision, when a petition or  
25 motion seeks to terminate parental rights on the basis of  
26 item (ii) of this subsection (m), the petitioner shall file

1 with the court and serve on the parties a pleading that  
2 specifies the 9-month period or periods relied on. The  
3 pleading shall be filed and served on the parties no later  
4 than 3 weeks before the date set by the court for closure  
5 of discovery, and the allegations in the pleading shall be  
6 treated as incorporated into the petition or motion.  
7 Failure of a respondent to file a written denial of the  
8 allegations in the pleading shall not be treated as an  
9 admission that the allegations are true.

10 (m-1) (Blank).

11 (n) Evidence of intent to forgo his or her parental  
12 rights, whether or not the child is a ward of the court,  
13 (1) as manifested by his or her failure for a period of 12  
14 months: (i) to visit the child, (ii) to communicate with  
15 the child or agency, although able to do so and not  
16 prevented from doing so by an agency or by court order, or  
17 (iii) to maintain contact with or plan for the future of  
18 the child, although physically able to do so, or (2) as  
19 manifested by the father's failure, where he and the mother  
20 of the child were unmarried to each other at the time of  
21 the child's birth, (i) to commence legal proceedings to  
22 establish his paternity under the Illinois Parentage Act of  
23 1984, the Illinois Parentage Act of 2015, or the law of the  
24 jurisdiction of the child's birth within 30 days of being  
25 informed, pursuant to Section 12a of this Act, that he is  
26 the father or the likely father of the child or, after

1 being so informed where the child is not yet born, within  
2 30 days of the child's birth, or (ii) to make a good faith  
3 effort to pay a reasonable amount of the expenses related  
4 to the birth of the child and to provide a reasonable  
5 amount for the financial support of the child, the court to  
6 consider in its determination all relevant circumstances,  
7 including the financial condition of both parents;  
8 provided that the ground for termination provided in this  
9 subparagraph (n)(2)(ii) shall only be available where the  
10 petition is brought by the mother or the husband of the  
11 mother.

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



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

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

10           (p) Inability to discharge parental responsibilities  
11 supported by competent evidence from a psychiatrist,  
12 licensed clinical social worker, or clinical psychologist  
13 of mental impairment, mental illness or an intellectual  
14 disability as defined in Section 1-116 of the Mental Health  
15 and Developmental Disabilities Code, or developmental  
16 disability as defined in Section 1-106 of that Code, and  
17 there is sufficient justification to believe that the  
18 inability to discharge parental responsibilities shall  
19 extend beyond a reasonable time period. However, this  
20 subdivision (p) shall not be construed so as to permit a  
21 licensed clinical social worker to conduct any medical  
22 diagnosis to determine mental illness or mental  
23 impairment.

24           (q) (Blank).

25           (r) The child is in the temporary custody or  
26 guardianship of the Department of Children and Family

1 Services, the parent is incarcerated as a result of  
2 criminal conviction at the time the petition or motion for  
3 termination of parental rights is filed, prior to  
4 incarceration the parent had little or no contact with the  
5 child or provided little or no support for the child, and  
6 the parent's incarceration will prevent the parent from  
7 discharging his or her parental responsibilities for the  
8 child for a period in excess of 2 years after the filing of  
9 the petition or motion for termination of parental rights.

10 (s) The child is in the temporary custody or  
11 guardianship of the Department of Children and Family  
12 Services, the parent is incarcerated at the time the  
13 petition or motion for termination of parental rights is  
14 filed, the parent has been repeatedly incarcerated as a  
15 result of criminal convictions, and the parent's repeated  
16 incarceration has prevented the parent from discharging  
17 his or her parental responsibilities for the child.

18 (t) A finding that at birth the child's blood, urine,  
19 or meconium contained any amount of a controlled substance  
20 as defined in subsection (f) of Section 102 of the Illinois  
21 Controlled Substances Act, or a metabolite of a controlled  
22 substance, with the exception of controlled substances or  
23 metabolites of such substances, the presence of which in  
24 the newborn infant was the result of medical treatment  
25 administered to the mother or the newborn infant, and that  
26 the biological mother of this child is the biological

1 mother of at least one other child who was adjudicated a  
2 neglected minor under subsection (c) of Section 2-3 of the  
3 Juvenile Court Act of 1987, after which the biological  
4 mother had the opportunity to enroll in and participate in  
5 a clinically appropriate substance abuse counseling,  
6 treatment, and rehabilitation program.

7 E. "Parent" means a person who is the legal mother or legal  
8 father of the child as defined in subsection X or Y of this  
9 Section. For the purpose of this Act, a parent who has executed  
10 a consent to adoption, a surrender, or a waiver pursuant to  
11 Section 10 of this Act, who has signed a Denial of Paternity  
12 pursuant to Section 12 of the Vital Records Act or Section 12a  
13 of this Act, or whose parental rights have been terminated by a  
14 court, is not a parent of the child who was the subject of the  
15 consent, surrender, waiver, or denial unless (1) the consent is  
16 void pursuant to subsection O of Section 10 of this Act; or (2)  
17 the person executed a consent to adoption by a specified person  
18 or persons pursuant to subsection A-1 of Section 10 of this Act  
19 and a court of competent jurisdiction finds that the consent is  
20 void; or (3) the order terminating the parental rights of the  
21 person is vacated by a court of competent jurisdiction.

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

23 (a) a child who has been surrendered for adoption to an  
24 agency and to whose adoption the agency has thereafter  
25 consented;

26 (b) a child to whose adoption a person authorized by

1 law, other than his parents, has consented, or to whose  
2 adoption no consent is required pursuant to Section 8 of  
3 this Act;

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

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

8 (d) an adult who meets the conditions set forth in  
9 Section 3 of this Act; or

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

12 A person who would otherwise be available for adoption  
13 shall not be deemed unavailable for adoption solely by reason  
14 of his or her death.

15 G. The singular includes the plural and the plural includes  
16 the singular and the "male" includes the "female", as the  
17 context of this Act may require.

18 H. (Blank).

19 I. "Habitual residence" has the meaning ascribed to it in  
20 the federal Intercountry Adoption Act of 2000 and regulations  
21 promulgated thereunder.

22 J. "Immediate relatives" means the biological parents, the  
23 parents of the biological parents and siblings of the  
24 biological parents.

25 K. "Intercountry adoption" is a process by which a child  
26 from a country other than the United States is adopted by

1 persons who are habitual residents of the United States, or the  
2 child is a habitual resident of the United States who is  
3 adopted by persons who are habitual residents of a country  
4 other than the United States.

5 L. (Blank).

6 M. "Interstate Compact on the Placement of Children" is a  
7 law enacted by all states and certain territories for the  
8 purpose of establishing uniform procedures for handling the  
9 interstate placement of children in foster homes, adoptive  
10 homes, or other child care facilities.

11 N. (Blank).

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

16 P. "Abused child" means a child whose parent or immediate  
17 family member, or any person responsible for the child's  
18 welfare, or any individual residing in the same home as the  
19 child, or a paramour of the child's parent:

20 (a) inflicts, causes to be inflicted, or allows to be  
21 inflicted upon the child physical injury, by other than  
22 accidental means, that causes death, disfigurement,  
23 impairment of physical or emotional health, or loss or  
24 impairment of any bodily function;

25 (b) creates a substantial risk of physical injury to  
26 the child by other than accidental means which would be

1           likely to cause death, disfigurement, impairment of  
2           physical or emotional health, or loss or impairment of any  
3           bodily function;

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

8           (d) commits or allows to be committed an act or acts of  
9           torture upon the child; or

10          (e) inflicts excessive corporal punishment.

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

24          A child shall not be considered neglected or abused for the  
25          sole reason that the child's parent or other person responsible  
26          for his or her welfare depends upon spiritual means through

1 prayer alone for the treatment or cure of disease or remedial  
2 care as provided under Section 4 of the Abused and Neglected  
3 Child Reporting Act. A child shall not be considered neglected  
4 or abused for the sole reason that the child's parent or other  
5 person responsible for the child's welfare failed to vaccinate,  
6 delayed vaccination, or refused vaccination for the child due  
7 to a waiver on ~~religious or~~ medical grounds as permitted by  
8 law.

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

18 S. "Standby adoption" means an adoption in which a parent  
19 consents to custody and termination of parental rights to  
20 become effective upon the occurrence of a future event, which  
21 is either the death of the parent or the request of the parent  
22 for the entry of a final judgment of adoption.

23 T. (Blank).

24 T-5. "Biological parent", "birth parent", or "natural  
25 parent" of a child are interchangeable terms that mean a person  
26 who is biologically or genetically related to that child as a

1 parent.

2 U. "Interstate adoption" means the placement of a minor  
3 child with a prospective adoptive parent for the purpose of  
4 pursuing an adoption for that child that is subject to the  
5 provisions of the Interstate Compact on the Placement of  
6 Children.

7 V. (Blank).

8 W. (Blank).

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

11 (1) because of his marriage to or civil union with the  
12 child's parent at the time of the child's birth or within  
13 300 days prior to that child's birth, unless he signed a  
14 denial of paternity pursuant to Section 12 of the Vital  
15 Records Act or a waiver pursuant to Section 10 of this Act;  
16 or

17 (2) because his paternity of the child has been  
18 established pursuant to the Illinois Parentage Act, the  
19 Illinois Parentage Act of 1984, or the Gestational  
20 Surrogacy Act; or

21 (3) because he is listed as the child's father or  
22 parent on the child's birth certificate, unless he is  
23 otherwise determined by an administrative or judicial  
24 proceeding not to be the parent of the child or unless he  
25 rescinds his acknowledgment of paternity pursuant to the  
26 Illinois Parentage Act of 1984; or



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

3           The definition in this subsection X shall not be construed  
4           to provide greater or lesser rights as to the number of parents  
5           who can be named on a final judgment order of adoption or  
6           Illinois birth certificate that otherwise exist under Illinois  
7           law.

8           Y. "Legal mother" of a child means a woman who is  
9           recognized as or presumed to be that child's mother:

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

12           (2) because her maternity of the child has been  
13           established pursuant to the Illinois Parentage Act of 1984  
14           or the Gestational Surrogacy Act; or

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

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

20           (5) because she is listed as the child's mother or  
21           parent on the child's birth certificate unless she is  
22           otherwise determined by an administrative or judicial  
23           proceeding not to be the parent of the child.

24           The definition in this subsection Y shall not be construed  
25           to provide greater or lesser rights as to the number of parents  
26           who can be named on a final judgment order of adoption or

1 Illinois birth certificate that otherwise exist under Illinois  
2 law.

3 Z. "Department" means the Illinois Department of Children  
4 and Family Services.

5 AA. "Placement disruption" means a circumstance where the  
6 child is removed from an adoptive placement before the adoption  
7 is finalized.

8 BB. "Secondary placement" means a placement, including but  
9 not limited to the placement of a youth in care as defined in  
10 Section 4d of the Children and Family Services Act, that occurs  
11 after a placement disruption or an adoption dissolution.  
12 "Secondary placement" does not mean secondary placements  
13 arising due to the death of the adoptive parent of the child.

14 CC. "Adoption dissolution" means a circumstance where the  
15 child is removed from an adoptive placement after the adoption  
16 is finalized.

17 DD. "Unregulated placement" means the secondary placement  
18 of a child that occurs without the oversight of the courts, the  
19 Department, or a licensed child welfare agency.

20 EE. "Post-placement and post-adoption support services"  
21 means support services for placed or adopted children and  
22 families that include, but are not limited to, mental health  
23 treatment, including counseling and other support services for  
24 emotional, behavioral, or developmental needs, and treatment  
25 for substance abuse.

26 (Source: P.A. 100-159, eff. 8-18-17; 101-155, eff. 1-1-20;

1 101-529, eff. 1-1-20; revised 9-17-19.)

2 (410 ILCS 51/Act rep.)

3 Section 35. The Mercury-Free Vaccine Act is repealed.

4 Section 99. Effective date. This Act takes effect July 1,  
5 2022.