



Rep. Mary E. Flowers

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1 AMENDMENT TO HOUSE BILL 3

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

4 "Section 1. This Act may be referred to as the
5 Reproductive Liberty and Justice Act.

6 Section 5. The Substance Use Disorder Act is amended by
7 adding Section 35-15 as follows:

8 (20 ILCS 301/35-15 new)

9 Sec. 35-15. Plans of Safe Care. The Division of Substance
10 Use Prevention and Recovery, in consultation with the Illinois
11 Perinatal Quality Collaborative or its successor organization,
12 shall develop a standardized Plan of Safe Care form to support
13 discharge planning for mothers and infants affected by
14 prenatal substance exposure. Plans of Safe Care shall not be
15 recorded in the State Central Registry described in Section 7

1 of the Abused and Neglected Child Reporting Act and shall not
2 be discoverable or admissible as evidence in any proceeding
3 pursuant to the Juvenile Court Act of 1987 or the Adoption Act
4 unless the named party waives his or her right to
5 confidentiality in writing.

6 As used in this Section, "Plan of Safe Care" means a
7 written or electronic document designed to ensure the safety
8 and well-being of a newborn who has been identified by his or
9 her health care provider as being affected by prenatal
10 substance exposure or withdrawal symptoms, or a fetal alcohol
11 spectrum disorder (FASD), and his or her gestational parent.

12 Section 10. The Hospital Licensing Act is amended by
13 changing Section 11.4 and by adding Section 11.9 as follows:

14 (210 ILCS 85/11.4)

15 Sec. 11.4. Disposition of fetus. A hospital having custody
16 of a fetus following a spontaneous fetal demise occurring
17 during or after a gestation period of less than 20 completed
18 weeks must notify the mother of her right to arrange for the
19 burial or cremation of the fetus. Notification may also
20 include other options such as, but not limited to, a ceremony,
21 a certificate, or common burial or cremation of fetal tissue.
22 If, within 24 hours after being notified under this Section,
23 the mother elects in writing to arrange for the burial or
24 cremation of the fetus, the disposition of the fetus shall be

1 subject to the same laws and rules that apply in the case of a
2 fetal death that occurs in this State after a gestation period
3 of 20 completed weeks or more. The Department of Public Health
4 shall develop forms to be used for notifications and elections
5 under this Section and hospitals shall provide the forms to
6 the mother.

7 (Source: P.A. 96-338, eff. 1-1-10.)

8 (210 ILCS 85/11.9 new)

9 Sec. 11.9. Certificate of birth resulting in stillbirth;
10 notification. This Section may be referred to as Liam's Law.

11 A hospital having custody of a fetus following a
12 spontaneous fetal death occurring during or after a gestation
13 period of at least 20 completed weeks must notify the
14 gestational parent of the parent's right to receive a
15 certificate of birth resulting in stillbirth as described in
16 Section 20.5 of the Vital Records Act. The Department of
17 Public Health shall develop a form to be used for notification
18 under this Section and hospitals shall provide the form to the
19 gestational parent. This form shall be known as a "Liam's Law
20 notice." The Department of Public Health shall consult with
21 the 2 Illinois-based Fetal Infant Mortality Review Project
22 Community Action Teams, or their successor organizations, to
23 ensure that any language included in the standardized "Liam's
24 Law notice" is culturally sensitive to the needs of bereaved
25 families. The "Liam's Law notice" shall be available in both

1 English and Spanish.

2 Section 15. The Abused and Neglected Child Reporting Act
3 is amended by changing Sections 3, 5, and 7.3 and by adding
4 Section 3.5 as follows:

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

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

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

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

19 "Blatant disregard" means an incident where the real,
20 significant, and imminent risk of harm would be so obvious to a
21 reasonable parent or caretaker that it is unlikely that a
22 reasonable parent or caretaker would have exposed the child to
23 the danger without exercising precautionary measures to
24 protect the child from harm. With respect to a person working

1 at an agency in his or her professional capacity with a child
2 or adult resident, "blatant disregard" includes a failure by
3 the person to perform job responsibilities intended to protect
4 the child's or adult resident's health, physical well-being,
5 or welfare, and, when viewed in light of the surrounding
6 circumstances, evidence exists that would cause a reasonable
7 person to believe that the child was neglected. With respect
8 to an agency, "blatant disregard" includes a failure to
9 implement practices that ensure the health, physical
10 well-being, or welfare of the children and adult residents
11 residing in the facility.

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

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

20 "Department" means Department of Children and Family
21 Services.

22 "Local law enforcement agency" means the police of a city,
23 town, village or other incorporated area or the sheriff of an
24 unincorporated area or any sworn officer of the Illinois State
25 Police.

26 "Abused child" means a child whose parent or immediate

1 family member, or any person responsible for the child's
2 welfare, or any individual residing in the same home as the
3 child, or a paramour of the child's parent:

4 (a) inflicts, causes to be inflicted, or allows to be
5 inflicted upon such child physical injury, by other than
6 accidental means, which causes death, disfigurement,
7 impairment of physical or emotional health, or loss or
8 impairment of any bodily function;

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

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

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

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

26 (f) commits or allows to be committed the offense of

1 female genital mutilation, as defined in Section 12-34 of
2 the Criminal Code of 2012, against the child;

3 (g) causes to be sold, transferred, distributed, or
4 given to such child under 18 years of age, a controlled
5 substance as defined in Section 102 of the Illinois
6 Controlled Substances Act in violation of Article IV of
7 the Illinois Controlled Substances Act or in violation of
8 the Methamphetamine Control and Community Protection Act,
9 except for controlled substances that are prescribed in
10 accordance with Article III of the Illinois Controlled
11 Substances Act and are dispensed to such child in a manner
12 that substantially complies with the prescription;

13 (h) commits or allows to be committed the offense of
14 involuntary servitude, involuntary sexual servitude of a
15 minor, or trafficking in persons as defined in Section
16 10-9 of the Criminal Code of 2012 against the child; or

17 (i) commits the offense of grooming, as defined in
18 Section 11-25 of the Criminal Code of 2012, against the
19 child.

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

23 "Neglected child" means any child who is not receiving the
24 proper or necessary nourishment or medically indicated
25 treatment including food or care not provided solely on the
26 basis of the present or anticipated mental or physical

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

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

17 "Child Protective Service Unit" means certain specialized
18 State employees of the Department assigned by the Director to
19 perform the duties and responsibilities as provided under
20 Section 7.2 of this Act.

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

26 "Great bodily harm" includes bodily injury which creates a

1 high probability of death, or which causes serious permanent
2 disfigurement, or which causes a permanent or protracted loss
3 or impairment of the function of any bodily member or organ, or
4 other serious bodily harm.

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

24 "Temporary protective custody" means custody within a
25 hospital or other medical facility or a place previously
26 designated for such custody by the Department, subject to

1 review by the Court, including a licensed foster home, group
2 home, or other institution; but such place shall not be a jail
3 or other place for the detention of criminal or juvenile
4 offenders.

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

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

11 "An undetermined report" means any report made under this
12 Act in which it was not possible to initiate or complete an
13 investigation on the basis of information provided to the
14 Department.

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

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

25 "Member of the clergy" means a clergyman or practitioner
26 of any religious denomination accredited by the religious body

1 to which he or she belongs.

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

4 (325 ILCS 5/3.5 new)

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

15 (325 ILCS 5/5) (from Ch. 23, par. 2055)

16 Sec. 5. An officer of a local law enforcement agency,
17 designated employee of the Department, or a physician treating
18 a child may take or retain temporary protective custody of the
19 child without the consent of the person responsible for the
20 child's welfare, if (1) he has reason to believe that there
21 exists a substantial and imminent risk of death, serious
22 illness, or severe personal injury to the child if he or she is
23 not immediately removed from his or her ~~the child cannot be~~
24 eared for at home or from ~~in~~ the custody of the person

1 responsible for the child's welfare ~~without endangering the~~
2 ~~child's health or safety~~; and (2) there is not time to apply
3 for a court order under the Juvenile Court Act of 1987 for
4 temporary custody of the child. The person taking or retaining
5 a child in temporary protective custody shall immediately make
6 every reasonable effort to notify the person responsible for
7 the child's welfare and shall immediately notify the
8 Department. The Department shall provide to the temporary
9 caretaker of a child any information in the Department's
10 possession concerning the positive results of a test performed
11 on the child to determine the presence of the antibody or
12 antigen to Human Immunodeficiency Virus (HIV), or of HIV
13 infection, as well as any communicable diseases or
14 communicable infections that the child has. The temporary
15 caretaker of a child shall not disclose to another person any
16 information received by the temporary caretaker from the
17 Department concerning the results of a test performed on the
18 child to determine the presence of the antibody or antigen to
19 HIV, or of HIV infection, except pursuant to Section 9 of the
20 AIDS Confidentiality Act, as now or hereafter amended. The
21 Department shall promptly initiate proceedings under the
22 Juvenile Court Act of 1987 for the continued temporary custody
23 of the child.

24 Where the physician keeping a child in his custody does so
25 in his capacity as a member of the staff of a hospital or
26 similar institution, he shall notify the person in charge of

1 the institution or his designated agent, who shall then become
2 responsible for the further care of such child in the hospital
3 or similar institution under the direction of the Department.

4 Said care includes, but is not limited to the granting of
5 permission to perform emergency medical treatment to a minor
6 where the treatment itself does not involve a substantial risk
7 of harm to the minor and the failure to render such treatment
8 will likely result in death or permanent harm to the minor, and
9 there is not time to apply for a court order under the Juvenile
10 Court Act of 1987.

11 Any person authorized and acting in good faith in the
12 removal of a child under this Section shall have immunity from
13 any liability, civil or criminal that might otherwise be
14 incurred or imposed as a result of such removal. Any physician
15 authorized and acting in good faith and in accordance with
16 acceptable medical practice in the treatment of a child under
17 this Section shall have immunity from any liability, civil or
18 criminal, that might otherwise be incurred or imposed as a
19 result of granting permission for emergency treatment.

20 With respect to any child taken into temporary protective
21 custody pursuant to this Section, the Department of Children
22 and Family Services Guardianship Administrator or his designee
23 shall be deemed the child's legally authorized representative
24 for purposes of consenting to an HIV test if deemed necessary
25 and appropriate by the Department's Guardianship Administrator
26 or designee and obtaining and disclosing information

1 concerning such test pursuant to the AIDS Confidentiality Act
2 if deemed necessary and appropriate by the Department's
3 Guardianship Administrator or designee and for purposes of
4 consenting to the release of information pursuant to the
5 Illinois Sexually Transmissible Disease Control Act if deemed
6 necessary and appropriate by the Department's Guardianship
7 Administrator or designee.

8 Any person who administers an HIV test upon the consent of
9 the Department of Children and Family Services Guardianship
10 Administrator or his designee, or who discloses the results of
11 such tests to the Department's Guardianship Administrator or
12 his designee, shall have immunity from any liability, civil,
13 criminal or otherwise, that might result by reason of such
14 actions. For the purpose of any proceedings, civil or
15 criminal, the good faith of any persons required to administer
16 or disclose the results of tests, or permitted to take such
17 actions, shall be presumed.

18 (Source: P.A. 90-28, eff. 1-1-98.)

19 (325 ILCS 5/7.3) (from Ch. 23, par. 2057.3)

20 Sec. 7.3. (a) The Department shall be the sole agency
21 responsible for receiving and investigating reports of child
22 abuse or neglect made under this Act, including reports of
23 adult resident abuse or neglect as defined in this Act, except
24 where investigations by other agencies may be required with
25 respect to reports alleging the abuse or neglect of a child by

1 a person who is not the child's parent, a member of the child's
2 immediate family, a person responsible for the child's
3 welfare, an individual residing in the same home as the child,
4 or a paramour of the child's parent, the death of a child,
5 serious injury to a child or sexual abuse to a child made
6 pursuant to Sections 4.1 or 7 of this Act, and except that the
7 Department may delegate the performance of the investigation
8 to the Illinois State Police, a law enforcement agency and to
9 those private social service agencies which have been
10 designated for this purpose by the Department prior to July 1,
11 1980.

12 (b) Notwithstanding any other provision of this Act, the
13 Department shall adopt rules expressly allowing law
14 enforcement personnel to investigate reports of suspected
15 child abuse or neglect concurrently with the Department,
16 without regard to whether the Department determines a report
17 to be "indicated" or "unfounded" or deems a report to be
18 "undetermined".

19 (b-1) It is unlawful for any person described in
20 paragraphs (1), (2), (3), and (10) of subsection (a) of
21 Section 4 to disclose to the Department or to any law
22 enforcement agency the results of:

23 (1) any verbal screening questions concerning drug or
24 alcohol use of a pregnant or postpartum person;

25 (2) any toxicology test administered to a person who
26 is pregnant or has given birth within the 12 weeks prior to

1 the administration of the toxicology test; or

2 (3) any toxicology test administered to a newborn.

3 A mandated reporter described in this subsection shall not
4 disclose a patient or client's confidential information
5 described under paragraphs (1), (2), or (3) to a law
6 enforcement agency or to the Department unless a law
7 enforcement agency has successfully obtained and furnished a
8 search warrant issued under Section 108-3 of the Code of
9 Criminal Procedure of 1963.

10 Any person who knowingly and willfully violates any
11 provision of this Section is guilty of a Class A misdemeanor
12 for a first violation and a Class 4 felony for a second or
13 subsequent violation.

14 (c) By June 1, 2016, the Department shall adopt rules that
15 address and set forth criteria and standards relevant to
16 investigations of reports of abuse or neglect committed by any
17 agency, as defined in Section 3 of this Act, or person working
18 for an agency responsible for the welfare of a child or adult
19 resident.

20 (Source: P.A. 101-583, eff. 1-1-20; 102-538, eff. 8-20-21.)

21 (325 ILCS 5/4.4 rep.)

22 Section 20. The Abused and Neglected Child Reporting Act
23 is amended by repealing Section 4.4.

24 Section 25. The Medical Patient Rights Act is amended by

1 changing Section 3.4 and by adding Section 3.5 as follows:

2 (410 ILCS 50/3.4)

3 Sec. 3.4. Rights of patients ~~women~~; pregnancy and
4 childbirth.

5 (a) In addition to any other right provided under this
6 Act, every patient ~~woman~~ has the following rights with regard
7 to pregnancy and childbirth:

8 (1) The right to receive health care before, during,
9 and after pregnancy and childbirth.

10 (2) The right to receive care for the patient and the
11 patient's newborn ~~her and her infant~~ that is consistent
12 with all clinical consensus documents, committee
13 statements, committee opinions, and obstetric care
14 consensus documents published or reaffirmed by the
15 American College of Obstetricians and Gynecologists on or
16 after January 1, 2019 ~~generally accepted medical~~
17 ~~standards~~.

18 (3) The right to choose a maternity care provider from
19 the full range of providers available in the patient's
20 community ~~certified nurse midwife or physician as her~~
21 ~~maternity care professional~~.

22 (4) The right to choose the patient's ~~her~~ birth
23 setting from the full range of birthing options available
24 in the patient's ~~her~~ community.

25 (5) The right to leave the patient's ~~her~~ maternity

1 care professional and select another if the patient ~~she~~
2 becomes dissatisfied with the patient's ~~her~~ care or the
3 care of the patient's newborn , ~~except as otherwise~~
4 ~~provided by law.~~

5 (6) The right to receive information about the names
6 of those health care professionals involved in her care.

7 (7) The right to privacy and confidentiality of
8 records, except as provided by law.

9 (8) The right to receive information concerning the
10 patient's ~~her~~ condition and proposed treatment, including
11 methods of relieving pain.

12 (9) The right to accept or refuse any treatment, to
13 the extent medically possible.

14 (10) The right to be informed if ~~her~~ caregivers wish
15 to enroll the patient ~~her~~ or the patient's ~~her~~ infant in a
16 research study in accordance with Section 3.1 of this Act.

17 (11) The right to access the patient's own ~~her~~ medical
18 records in accordance with Section 8-2001 of the Code of
19 Civil Procedure.

20 (12) The right to receive information in a language in
21 which the patient ~~she~~ can communicate in accordance with
22 federal law.

23 (13) The right to receive emotional and physical
24 support during labor and birth.

25 (14) The right to freedom of movement during labor and
26 to give birth in the position of the patient's ~~her~~ choice,

1 within generally accepted medical standards.

2 (15) The right to contact with the patient's ~~her~~
3 newborn, except where necessary care must be provided to
4 the patient ~~mother~~ or the patient's infant.

5 (16) The right to receive information about
6 breastfeeding.

7 (17) The right to decide collaboratively with
8 caregivers when the patient and the patient's newborn ~~she~~
9 ~~and her baby~~ will leave the birth site for home, based on
10 their conditions and circumstances.

11 (18) The right to be treated with respect at all times
12 before, during, and after pregnancy by ~~her~~ health care
13 professionals involved in the patient's care or in the
14 care of the patient's newborn.

15 (19) The right of each patient, regardless of source
16 of payment, to examine and receive a reasonable
17 explanation of her total bill for services rendered by her
18 maternity care professional or health care provider,
19 including itemized charges for specific services received.
20 Each maternity care professional or health care provider
21 shall be responsible only for a reasonable explanation of
22 those specific services provided by the maternity care
23 professional or health care provider.

24 (b) The Department of Public Health, Department of
25 Healthcare and Family Services, Department of Children and
26 Family Services, and Department of Human Services shall post,

1 either by physical or electronic means, information about
2 these rights on their publicly available websites. Every
3 health care provider, day care center licensed under the Child
4 Care Act of 1969, Head Start, and community center shall post
5 information about these rights in a prominent place and on
6 their websites, if applicable.

7 (c) The Department of Public Health shall adopt rules to
8 implement this Section.

9 (d) Nothing in this Section or any rules adopted under
10 subsection (c) shall be construed to require a physician,
11 health care professional, hospital, hospital affiliate, or
12 health care provider to provide care inconsistent with
13 generally accepted medical standards or available capabilities
14 or resources.

15 (Source: P.A. 101-445, eff. 1-1-20; 102-4, eff. 4-27-21.)

16 (410 ILCS 50/3.5 new)

17 Sec. 3.5. Disclosure of medical information.
18 Notwithstanding any other provision of law, and except as
19 otherwise provided in this subsection, a patient has the right
20 for a physician, health care provider, health services
21 corporation, or insurance company to administer any of the
22 following medical tests without disclosing the results of the
23 test or tests to a State or local law enforcement agency or to
24 the Department of Children and Family Services:

25 (1) Any verbal screening or questioning concerning the

1 drug or alcohol use of a pregnant or postpartum person.

2 (2) Any toxicology test administered to a person who
3 is pregnant or has given birth within the previous 12
4 weeks.

5 (3) Any toxicology test administered to a newborn.

6 A physician, health care provider, health services
7 corporation, or insurance company who administers a medical
8 test described under paragraph (1), (2), or (3) may disclose
9 the results of the test to a law enforcement agency or to the
10 Department of Children and Family Services if a law
11 enforcement agency has successfully obtained and furnished a
12 search warrant issued under Section 108-3 of the Code of
13 Criminal Procedure of 1963.

14 Section 30. The Illinois Health and Hazardous Substances
15 Registry Act is amended by changing Section 3 as follows:

16 (410 ILCS 525/3) (from Ch. 111 1/2, par. 6703)

17 Sec. 3. For the purposes of this Act, unless the context
18 requires otherwise:

19 (a) "Department" means the Illinois Department of Public
20 Health.

21 (b) "Director" means the Director of the Illinois
22 Department of Public Health.

23 (c) "Council" means the Health and Hazardous Substances
24 Coordinating Council created by this Act.

1 (d) "Registry" means the Illinois Health and Hazardous
2 Substances Registry established by the Department of Public
3 Health under Section 6 of this Act.

4 (e) "Cancer" means all malignant neoplasms, regardless of
5 the tissue of origin, including malignant lymphoma and
6 leukemia.

7 (f) "Cancer incidence" means a medical diagnosis of
8 cancer, consisting of a record of cases of cancer and
9 specified cases of tumorous or precancerous diseases which
10 occur in Illinois, and such other information concerning these
11 cases as the Department deems necessary or appropriate in
12 order to conduct thorough and complete epidemiological surveys
13 of cancer and cancer-related diseases in Illinois.

14 (g) "Occupational disease" includes but is not limited to
15 all occupational diseases covered by the Workers' Occupational
16 Diseases Act.

17 (h) "Hazardous substances" means a hazardous substance as
18 defined in the Environmental Protection Act.

19 (i) "Hazardous substances incident" includes but is not
20 limited to a spill, fire, or accident involving hazardous
21 substances, illegal disposal, transportation, or use of
22 hazardous substances, and complaints or permit violations
23 involving hazardous substances.

24 (j) "Company profile" includes but is not limited to the
25 name of any company operating in the State of Illinois which
26 generates, uses, disposes of or transports hazardous

1 substances, identification of the types of permits issued in
2 such company's name relating to transactions involving
3 hazardous substances, inventory of hazardous substances
4 handled by such company, and the manner in which such
5 hazardous substances are used, disposed of, or transported by
6 the company.

7 (k) "Hazardous nuclear material" means (1) any source or
8 special nuclear material intended for use or used as an energy
9 source in a production or utilization facility as defined in
10 Sec. 11.v. or 11.cc. of the federal Atomic Energy Act of 1954
11 as amended; (2) any fuel which has been discharged from such a
12 facility following irradiation, the constituent elements of
13 which have not been separated by reprocessing; or (3) any
14 by-product material resulting from operation of such a
15 facility.

16 (l) "Adverse pregnancy outcome" includes, but is not
17 limited to, birth defects, spontaneous fetal death after 20
18 weeks of completed gestation fetal loss, infant mortality, low
19 birth weight, neonatal abstinence syndrome, newborn affected
20 by prenatal substance exposure, fetal alcohol spectrum
21 disorders, selected life-threatening conditions, and other
22 developmental disabilities as defined by the Department.

23 "Neonatal abstinence syndrome" refers to the collection of
24 signs and symptoms that occur when a newborn prenatally
25 exposed to prescribed, diverted, or illicit opiates
26 experiences opioid withdrawal. This syndrome is primarily

1 characterized by irritability, tremors, feeding problems,
2 vomiting, diarrhea, sweating, and in some cases, seizures.

3 "Newborn affected by prenatal substance exposure" means an
4 infant born and identified as being affected by substance
5 abuse or withdrawal symptoms resulting from prenatal exposure
6 to controlled substances or a fetal alcohol spectrum disorder.
7 The health care provider involved in the delivery or care of
8 the newborn determines whether the infant is affected by
9 prenatal substance exposure or withdrawal symptoms.

10 (m) "News medium" means any newspaper or other periodical
11 issued at regular intervals, whether in print or electronic
12 format, and having a general circulation; a news service,
13 whether in print or electronic format; a radio station, a
14 television station; a television network; a community antenna
15 television service; and any person or corporation engaged in
16 the making of news reels or other motion picture news for
17 public showing.

18 (n) "Researcher" means an individual who is affiliated
19 with or supported by universities, academic centers, research
20 institutions, hospitals, and governmental entities who conduct
21 scientific research or investigation on human diseases.

22 (Source: P.A. 95-941, eff. 8-29-08.)

23 Section 35. The Vital Records Act is amended by changing
24 Sections 20 and 20.5 as follows:

1 (410 ILCS 535/20) (from Ch. 111 1/2, par. 73-20)

2 Sec. 20. Fetal death; place of registration.

3 (1) Each fetal death which occurs in this State after a
4 gestation period of 20 completed weeks (or ~~and~~ when the mother
5 elects in writing to arrange for the burial or cremation of the
6 fetus under Section 11.4 of the Hospital Licensing Act) or
7 more shall be registered with the local or subregistrar of the
8 district in which the delivery occurred within 7 days after
9 the delivery and before removal of the fetus from the State,
10 except as provided by regulation in special problem cases.

11 (a) For the purposes of this Section, if the place of
12 fetal death is unknown, a fetal death certificate shall be
13 filed in the registration district in which a dead fetus
14 is found, which shall be considered the place of fetal
15 death.

16 (b) When a fetal death occurs on a moving conveyance,
17 the city, village, township, or road district in which the
18 fetus is first removed from the conveyance shall be
19 considered the place of delivery and a fetal death
20 certificate shall be filed in the registration district in
21 which the place is located.

22 (c) The funeral director or person acting as such who
23 first assumes custody of a fetus shall file the
24 certificate. The personal data shall be obtained from the
25 best qualified person or source available. The name,
26 relationship, and address of the informant shall be

1 entered on the certificate. The date, place, and method of
2 final disposition of the fetus shall be recorded over the
3 personal signature and address of the funeral director
4 responsible for the disposition. The certificate shall be
5 presented to the person responsible for completing the
6 medical certification of the cause of death.

7 (2) The medical certification shall be completed and
8 signed within 24 hours after delivery by the certifying health
9 care professional in attendance at or after delivery, except
10 when investigation is required under Division 3-3 of Article 3
11 of the Counties Code and except as provided by regulation in
12 special problem cases.

13 (3) When a fetal death occurs without medical attendance
14 upon the mother at or after the delivery, or when
15 investigation is required under Division 3-3 of Article 3 of
16 the Counties Code, the coroner shall be responsible for the
17 completion of the fetal death certificate and shall sign the
18 medical certification within 24 hours after the delivery or
19 the finding of the fetus, except as provided by regulation in
20 special problem cases.

21 (Source: P.A. 102-257, eff. 1-1-22.)

22 (410 ILCS 535/20.5)

23 Sec. 20.5. Certificate of birth resulting in stillbirth.

24 (a) The State Registrar shall prescribe and distribute a
25 form for a certificate of birth resulting in stillbirth. The

1 certificate shall be in the same format as a certificate of
2 live birth prepared under Section 12 and shall be filed in the
3 same manner as a certificate of live birth.

4 (b) After each fetal death that occurs in this State after
5 a gestation period of at least 20 ~~26~~ completed weeks, or, in
6 cases where gestational age is uncertain, where the fetus
7 weighs at least 350 grams, the person who files a fetal death
8 certificate in connection with that death as required under
9 Section 20 shall, only upon request by the parent ~~woman~~ who
10 delivered the stillborn fetus, also prepare a certificate of
11 birth resulting in stillbirth. The person shall prepare the
12 certificate on the form prescribed and furnished by the State
13 Registrar and in accordance with the rules adopted by the
14 State Registrar.

15 (b-5) A person who files a fetal death certificate as
16 described under subsection (b) shall notify the gestational
17 parent of the stillborn of that parent's right to request and
18 receive a certificate of birth resulting in stillbirth under
19 subsection (b). The Department shall develop forms for
20 notification under this subsection. This form shall be titled
21 and known as a "Liam's Law notice."

22 (c) If the stillborn's parent or parents do not wish to
23 provide a name for the stillborn, the person who prepares the
24 certificate of birth resulting in stillbirth shall leave blank
25 any references to the stillborn's name.

26 (d) When a stillbirth occurs in this State and the

1 stillbirth has not been registered within one year after the
2 delivery, a certificate marked "delayed" may be filed and
3 registered in accordance with regulations adopted by the State
4 Registrar. The certificate must show on its face the date of
5 registration.

6 (e) In the case of a fetal death that occurred in this
7 State after a gestation period of at least 20 ~~26~~ completed
8 weeks and before the effective date of this amendatory Act of
9 the 103rd General Assembly ~~this amendatory Act of the 93rd~~
10 ~~General Assembly~~, a parent of the stillborn child may request
11 that the person who filed a fetal death certificate in
12 connection with that death as required under Section 20 shall
13 also prepare a certificate of birth resulting in stillbirth
14 with respect to the fetus. If a parent of a stillborn makes
15 such a request under this subsection (e), the person who filed
16 a fetal death certificate shall prepare the certificate of
17 birth resulting in stillbirth and file it with the designated
18 registrar within 30 days after the request by the parent.

19 (Source: P.A. 93-578, eff. 8-21-03.)

20 Section 40. The Juvenile Court Act of 1987 is amended by
21 changing Sections 2-3 and 2-18 as follows:

22 (705 ILCS 405/2-3) (from Ch. 37, par. 802-3)

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

24 (1) Those who are neglected include:

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

21 (b) 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,
24 neglected, or dependent under subsection (1) of Section
25 2-10 prior to the minor's 18th birthday whose environment
26 is injurious to his or her welfare; or

1 (c) (blank); or ~~any newborn infant whose blood, urine,~~
2 ~~or meconium contains any amount of a controlled substance~~
3 ~~as defined in subsection (f) of Section 102 of the~~
4 ~~Illinois Controlled Substances Act, as now or hereafter~~
5 ~~amended, or a metabolite of a controlled substance, with~~
6 ~~the exception of controlled substances or metabolites of~~
7 ~~such substances, the presence of which in the newborn~~
8 ~~infant is the result of medical treatment administered to~~
9 ~~the mother or the newborn infant; or~~

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

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

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

26 (1) the age of the minor;

1 (2) the number of minors left at the location;

2 (3) special needs of the minor, including whether the
3 minor is a person with a physical or mental disability, or
4 otherwise in need of ongoing prescribed medical treatment
5 such as periodic doses of insulin or other medications;

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

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

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

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

15 (8) the location of the parent or guardian at the time
16 the minor was left without supervision, the physical
17 distance the minor was from the parent or guardian at the
18 time the minor was without supervision;

19 (9) whether the minor's movement was restricted, or
20 the minor was otherwise locked within a room or other
21 structure;

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

25 (11) whether there was food and other provision left
26 for the minor;

1 (12) whether any of the conduct is attributable to
2 economic hardship or illness and the parent, guardian or
3 other person having physical custody or control of the
4 child made a good faith effort to provide for the health
5 and safety of the minor;

6 (13) the age and physical and mental capabilities of
7 the person or persons who provided supervision for the
8 minor;

9 (14) whether the minor was left under the supervision
10 of another person;

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

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

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

25 (i) inflicts, causes to be inflicted, or allows to be
26 inflicted upon such minor physical injury, by other than

1 accidental means, which causes death, disfigurement,
2 impairment of physical or emotional health, or loss or
3 impairment of any bodily function;

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

9 (iii) commits or allows to be committed any sex
10 offense against such minor, as such sex offenses are
11 defined in the Criminal Code of 1961 or the Criminal Code
12 of 2012, or in the Wrongs to Children Act, and extending
13 those definitions of sex offenses to include minors under
14 18 years of age;

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

17 (v) inflicts excessive corporal punishment;

18 (vi) commits or allows to be committed the offense of
19 involuntary servitude, involuntary sexual servitude of a
20 minor, or trafficking in persons as defined in Section
21 10-9 of the Criminal Code of 1961 or the Criminal Code of
22 2012, upon such minor; or

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

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

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

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

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

13 (705 ILCS 405/2-18) (from Ch. 37, par. 802-18)

14 Sec. 2-18. Evidence.

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

25 (2) In any hearing under this Act, the following shall

1 constitute prima facie evidence of abuse or neglect, as the
2 case may be:

3 (a) proof that a minor has a medical diagnosis of
4 battered child syndrome is prima facie evidence of abuse;

5 (b) (blank); ~~proof that a minor has a medical~~
6 ~~diagnosis of failure to thrive syndrome is prima facie~~
7 ~~evidence of neglect;~~

8 (c) (blank); ~~proof that a minor has a medical~~
9 ~~diagnosis of fetal alcohol syndrome is prima facie~~
10 ~~evidence of neglect;~~

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

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

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

1 prima facie evidence of neglect;

2 (g) proof that a parent, custodian, or guardian of a
3 minor repeatedly used a controlled substance, as defined
4 in subsection (f) of Section 102 of the Illinois
5 Controlled Substances Act, in the presence of the minor or
6 a sibling of the minor is prima facie evidence of neglect.
7 "Repeated use", for the purpose of this subsection, means
8 more than one use of a controlled substance as defined in
9 subsection (f) of Section 102 of the Illinois Controlled
10 Substances Act;

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

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

25 (j) proof that a parent, custodian, or guardian of a
26 minor allows, encourages, or requires a minor to perform,

1 offer, or agree to perform any act of sexual penetration
2 as defined in Section 11-0.1 of the Criminal Code of 2012
3 for any money, property, token, object, or article or
4 anything of value, or any touching or fondling of the sex
5 organs of one person by another person, for any money,
6 property, token, object, or article or anything of value,
7 for the purpose of sexual arousal or gratification,
8 constitutes prima facie evidence of abuse and neglect;

9 (k) proof that a parent, custodian, or guardian of a
10 minor commits or allows to be committed the offense of
11 involuntary servitude, involuntary sexual servitude of a
12 minor, or trafficking in persons as defined in Section
13 10-9 of the Criminal Code of 1961 or the Criminal Code of
14 2012, upon such minor, constitutes prima facie evidence of
15 abuse and neglect.

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

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

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

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

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

26 (d) There shall be a rebuttable presumption that a minor

1 is competent to testify in abuse or neglect proceedings. The
2 court shall determine how much weight to give to the minor's
3 testimony, and may allow the minor to testify in chambers with
4 only the court, the court reporter and attorneys for the
5 parties present.

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

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

17 (5) In any hearing under this Act alleging neglect for
18 failure to provide education as required by law under
19 subsection (1) of Section 2-3, proof that a minor under 13
20 years of age who is subject to compulsory school attendance
21 under the School Code is a chronic truant as defined under the
22 School Code shall be prima facie evidence of neglect by the
23 parent or guardian in any hearing under this Act and proof that
24 a minor who is 13 years of age or older who is subject to
25 compulsory school attendance under the School Code is a
26 chronic truant shall raise a rebuttable presumption of neglect

1 by the parent or guardian. This subsection (5) shall not apply
2 in counties with 2,000,000 or more inhabitants.

3 (6) In any hearing under this Act, the court may take
4 judicial notice of prior sworn testimony or evidence admitted
5 in prior proceedings involving the same minor if (a) the
6 parties were either represented by counsel at such prior
7 proceedings or the right to counsel was knowingly waived and
8 (b) the taking of judicial notice would not result in
9 admitting hearsay evidence at a hearing where it would
10 otherwise be prohibited.

11 (Source: P.A. 96-1464, eff. 8-20-10; 97-897, eff. 1-1-13;
12 97-1150, eff. 1-25-13.)

13 Section 45. The Adoption Act is amended by changing
14 Section 1 as follows:

15 (750 ILCS 50/1) (from Ch. 40, par. 1501)

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

18 A. "Child" means a person under legal age subject to
19 adoption under this Act.

20 B. "Related child" means a child subject to adoption where
21 either or both of the adopting parents stands in any of the
22 following relationships to the child by blood, marriage,
23 adoption, or civil union: parent, grand-parent,
24 great-grandparent, brother, sister, step-parent,

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

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

21 D. "Unfit person" means any person whom the court shall
22 find to be unfit to have a child, without regard to the
23 likelihood that the child will be placed for adoption. The
24 grounds of unfitness are any one or more of the following,
25 except that a person shall not be considered an unfit person
26 for the sole reason that the person has relinquished a child in

1 accordance with the Abandoned Newborn Infant Protection Act:

2 (a) Abandonment of the child.

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

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

7 (b) Failure to maintain a reasonable degree of
8 interest, concern or responsibility as to the child's
9 welfare.

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

12 (d) Substantial neglect of the child if continuous or
13 repeated.

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

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

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

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

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

5 (3) There is a finding of physical child abuse
6 resulting from the death of any child under Section
7 2-21 of the Juvenile Court Act of 1987.

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

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

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

23 (i) Depravity. Conviction of any one of the following
24 crimes shall create a presumption that a parent is
25 depraved which can be overcome only by clear and
26 convincing evidence: (1) first degree murder in violation

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

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

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

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

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

24 (j) Open and notorious adultery or fornication.

25 (j-1) (Blank).

26 (k) Habitual drunkenness or addiction to drugs, other

1 than those prescribed by a physician, for at least one
2 year immediately prior to the commencement of the
3 unfitness proceeding.

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

18 (l) Failure to demonstrate a reasonable degree of
19 interest, concern or responsibility as to the welfare of a
20 new born child during the first 30 days after its birth.

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

1 to make reasonable progress toward the return of the child
2 to the parent during any 9-month period following the
3 adjudication of neglected or abused minor under Section
4 2-3 of the Juvenile Court Act of 1987 or dependent minor
5 under Section 2-4 of that Act. If a service plan has been
6 established as required under Section 8.2 of the Abused
7 and Neglected Child Reporting Act to correct the
8 conditions that were the basis for the removal of the
9 child from the parent and if those services were
10 available, then, for purposes of this Act, "failure to
11 make reasonable progress toward the return of the child to
12 the parent" includes the parent's failure to substantially
13 fulfill his or her obligations under the service plan and
14 correct the conditions that brought the child into care
15 during any 9-month period following the adjudication under
16 Section 2-3 or 2-4 of the Juvenile Court Act of 1987.
17 Notwithstanding any other provision, when a petition or
18 motion seeks to terminate parental rights on the basis of
19 item (ii) of this subsection (m), the petitioner shall
20 file with the court and serve on the parties a pleading
21 that specifies the 9-month period or periods relied on.
22 The pleading shall be filed and served on the parties no
23 later than 3 weeks before the date set by the court for
24 closure of discovery, and the allegations in the pleading
25 shall be treated as incorporated into the petition or
26 motion. Failure of a respondent to file a written denial

1 of the allegations in the pleading shall not be treated as
2 an admission that the allegations are true.

3 (m-1) (Blank).

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

1 parents; provided that the ground for termination provided
2 in this subparagraph (n)(2)(ii) shall only be available
3 where the petition is brought by the mother or the husband
4 of the mother.

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

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

26 (o) Repeated or continuous failure by the parents,

1 although physically and financially able, to provide the
2 child with adequate food, clothing, or shelter.

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

17 (q) (Blank).

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

1 child for a period in excess of 2 years after the filing of
2 the petition or motion for termination of parental rights.

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

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

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

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

18 (a) a child who has been surrendered for adoption to
19 an agency and to whose adoption the agency has thereafter
20 consented;

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

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

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

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

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

7 A person who would otherwise be available for adoption
8 shall not be deemed unavailable for adoption solely by reason
9 of his or her death.

10 G. The singular includes the plural and the plural
11 includes the singular and the "male" includes the "female", as
12 the context of this Act may require.

13 H. (Blank).

14 I. "Habitual residence" has the meaning ascribed to it in
15 the federal Intercountry Adoption Act of 2000 and regulations
16 promulgated thereunder.

17 J. "Immediate relatives" means the biological parents, the
18 parents of the biological parents and siblings of the
19 biological parents.

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

26 L. (Blank).

1 M. "Interstate Compact on the Placement of Children" is a
2 law enacted by all states and certain territories for the
3 purpose of establishing uniform procedures for handling the
4 interstate placement of children in foster homes, adoptive
5 homes, or other child care facilities.

6 N. (Blank).

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

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

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

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

25 (c) commits or allows to be committed any sex offense
26 against the child, as sex offenses are defined in the

1 Criminal Code of 2012 and extending those definitions of
2 sex offenses to include children under 18 years of age;

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

5 (e) inflicts excessive corporal punishment.

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

19 A child shall not be considered neglected or abused for
20 the sole reason that the child's parent or other person
21 responsible for his or her welfare depends upon spiritual
22 means through prayer alone for the treatment or cure of
23 disease or remedial care as provided under Section 4 of the
24 Abused and Neglected Child Reporting Act. A child shall not be
25 considered neglected or abused for the sole reason that the
26 child's parent or other person responsible for the child's

1 welfare failed to vaccinate, delayed vaccination, or refused
2 vaccination for the child due to a waiver on religious or
3 medical grounds as permitted by law.

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

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

18 T. (Blank).

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

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

1 Children.

2 V. (Blank).

3 W. (Blank).

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

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

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

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

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

24 The definition in this subsection X 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 Y. "Legal mother" of a child means a woman who is
4 recognized as or presumed to be that child's mother:

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

7 (2) because her maternity of the child has been
8 established pursuant to the Illinois Parentage Act of 1984
9 or the Gestational Surrogacy Act; or

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

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

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

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

24 Z. "Department" means the Illinois Department of Children
25 and Family Services.

26 AA. "Placement disruption" means a circumstance where the

1 child is removed from an adoptive placement before the
2 adoption is finalized.

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

10 CC. "Adoption dissolution" means a circumstance where the
11 child is removed from an adoptive placement after the adoption
12 is finalized.

13 DD. "Unregulated placement" means the secondary placement
14 of a child that occurs without the oversight of the courts, the
15 Department, or a licensed child welfare agency.

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

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

24 (Source: P.A. 101-155, eff. 1-1-20; 101-529, eff. 1-1-20;
25 102-139, eff. 1-1-22; 102-558, eff. 8-20-21.)".