

1 AN ACT concerning children.

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

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

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

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

19 Section 10. Findings. The General Assembly finds the
20 following:

21 (1) During pregnancy, substance use is a leading cause
22 of maternal death and is associated with poor birth

1 outcomes, including fetal growth restriction, fetal death,
2 and preterm labor.

3 (2) Pregnant people with substance use disorders are
4 less likely to seek treatment or report substance use due
5 to fear of criminalization, shame, and judgment; they may
6 also avoid seeking care within the health care system due
7 to fear of being reported to the child welfare system and
8 subsequent removal of their children.

9 (3) The American College of Obstetrics and
10 Gynecologists and the Illinois Perinatal Quality
11 Collaborative recommend identifying pregnant people with
12 substance use disorders through universal self-reporting
13 screening, brief intervention, and referral to specialized
14 care for treatment.

15 (4) Pregnant and parenting individuals with a
16 substance use disorder should be encouraged to receive
17 evidence-based treatment and not suffer punitive actions
18 for starting or continuing treatment, including when
19 medications for opioid use disorder are part of the
20 treatment protocol.

21 (5) There is a pressing need for increasing access to
22 evidence-based treatment for substance use disorders and
23 supportive care for families, including the appropriate
24 use of family needs assessments and family recovery plans.

25 (6) The cooperation and coordination of supportive
26 services for pregnant, peripartum, and postpartum

1 individuals and families are essential to help newborns
2 and children and to encourage and support treatment,
3 recovery, and a safe and healthy environment for children
4 and the family.

5 (7) There is a need for a coordinated, public health,
6 and service-integrated response by various agencies in
7 this State's health and child welfare systems to work
8 together to ensure the safety and well-being of infants
9 with prenatal substance exposure and pregnant and birthing
10 people with substance use disorders by developing,
11 implementing, and monitoring a family recovery plan
12 approach that addresses the health and substance use
13 treatment and recovery needs of the infant and affected
14 family or caregiver.

15 Section 15. Composition. The Family Recovery Plan
16 Implementation Task Force is created within the Department of
17 Human Services and shall consist of members appointed as
18 follows:

19 (1) The President of the Senate, or his or her
20 designee, shall appoint: one member of the Senate; one
21 member representing a statewide organization that
22 advocates on behalf of community-based services for
23 children and families; and one member from a statewide
24 organization representing a majority of hospitals.

25 (2) The Senate Minority Leader, or his or her

1 designee, shall appoint: one member of the Senate; one
2 member from an organization conducting quality improvement
3 initiatives to improve perinatal health; one member with
4 relevant lived experience, as recommended by a
5 reproductive justice advocacy organization with expertise
6 in perinatal and infant health and birth equity.

7 (3) The Speaker of the House of Representatives, or
8 his or her designee, shall appoint: one member of the
9 House of Representatives; one member who is a licensed
10 obstetrician-gynecologist, as recommended by a statewide
11 organization representing obstetricians and
12 gynecologists; one member with relevant lived experience,
13 as recommended by a reproductive justice advocacy
14 organization with expertise in perinatal and infant health
15 and birth equity.

16 (4) The House Minority Leader, or his or her designee,
17 shall appoint: one member of the House of Representatives;
18 one member who is a licensed physician specializing in
19 child abuse and neglect, as recommended by a statewide
20 organization representing pediatricians; and one member
21 who is a licensed physician specializing in perinatal
22 substance use disorder treatment, as recommended by a
23 statewide organization representing physicians.

24 (5) The Director of Children and Family Services, or
25 the Director's designee.

26 (6) The exclusive collective bargaining representative

1 of the majority of front-line employees at the Department
2 of Children and Family Services, or the representative's
3 designee.

4 (7) The Secretary of Human Services, or the
5 Secretary's designee.

6 (8) The Director of Public Health, or the Director's
7 designee.

8 (9) The Cook County Public Guardian, or the Cook
9 County Public Guardian's designee.

10 Section 20. Meetings; co-chairs; administrative support.
11 All members appointed under Section 15 shall serve without
12 compensation. Task Force members shall be appointed within 60
13 days after the effective date of this Act. The Task Force shall
14 hold its initial meetings within 90 days after the effective
15 date of this Act. The Task Force shall meet at least 4 times a
16 year. A majority of the members of the Task Force shall
17 constitute a quorum. Two legislators appointed to the Task
18 Force shall be elected by members of the Task Force to serve as
19 co-chairs. The Department of Human Services shall provide
20 staff and any necessary administrative and other support to
21 the Task Force. Any data provided by the Departments of
22 Children and Family Services, Human Services, and Public
23 Health to the Task Force shall not contain any personally
24 identifiable information of any clients or families in
25 accordance with applicable confidentiality laws. The

1 Departments shall facilitate the prompt and timely collection
2 and provision of data as requested by or on behalf of the Task
3 Force.

4 The Task Force shall consult with an organization that
5 provides technical assistance or implementation support to
6 State child welfare systems to develop and implement the
7 family recovery plans requirement of the federal Child Abuse
8 and Prevention Treatment Act. The Task Force may coordinate
9 with existing committees or workgroups currently engaged in
10 the development and implementation of family recovery plan
11 requirements of the federal Child Abuse and Prevention
12 Treatment Act.

13 Section 25. Duties. The Task Force shall:

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

16 (2) review research regarding implementation of family
17 recovery plans care;

18 (3) develop recommendations regarding the
19 implementation of a family recovery plan model in
20 Illinois, including developing implementation,
21 monitoring, and reporting plans and identifying any
22 necessary policy, rule, or statutory changes, and
23 identifying any additional healthcare service coverage and
24 reimbursement that would facilitate access to care;

25 (4) review and develop recommendations to replace

1 punitive policies with notification policies requiring
2 health care professionals to notify the Department of
3 Children and Family Services in accordance with Section 7
4 of the Abused and Neglected Child Reporting Act and
5 Section 106(b)(2)(B)(ii) of the Child Abuse Prevention and
6 Treatment Act (Public Law 93-247) based solely on a
7 positive toxicology screen of the newborn;

8 (5) solicit feedback from stakeholders and advocates
9 to inform Task Force recommendations as necessary,
10 including soliciting feedback from members with experience
11 working in a hospital with licensed obstetrical beds and
12 members with experience from a small and rural or critical
13 access hospital with licensed obstetrical beds.

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

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

20 (325 ILCS 5/4.4 rep.)

21 Section 110. The Abused and Neglected Child Reporting Act
22 is amended by repealing Section 4.4.

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

3 (750 ILCS 50/1) (from Ch. 40, par. 1501)

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

6 A. "Child" means a person under legal age subject to
7 adoption under this Act.

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

1 by a specified person or persons pursuant to subsection A-1 of
2 Section 10 of this Act and a court of competent jurisdiction
3 finds that such consent is void; or (3) the order terminating
4 the parental rights of the parent is vacated by a court of
5 competent jurisdiction.

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

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

15 (a) Abandonment of the child.

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

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

20 (b) Failure to maintain a reasonable degree of
21 interest, concern or responsibility as to the child's
22 welfare.

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

25 (d) Substantial neglect of the child if continuous or
26 repeated.

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

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

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

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

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

18 (3) There is a finding of physical child abuse
19 resulting from the death of any child under Section
20 2-21 of the Juvenile Court Act of 1987.

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

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

1 (h) Other neglect of, or misconduct toward the child;
2 provided that in making a finding of unfitness the court
3 hearing the adoption proceeding shall not be bound by any
4 previous finding, order or judgment affecting or
5 determining the rights of the parents toward the child
6 sought to be adopted in any other proceeding except such
7 proceedings terminating parental rights as shall be had
8 under either this Act, the Juvenile Court Act or the
9 Juvenile Court Act of 1987.

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

1 of any child in violation of the Criminal Code of 1961 or
2 the Criminal Code of 2012; (5) predatory criminal sexual
3 assault of a child in violation of Section 11-1.40 or
4 12-14.1 of the Criminal Code of 1961 or the Criminal Code
5 of 2012; (6) heinous battery of any child in violation of
6 the Criminal Code of 1961; (7) aggravated battery of any
7 child in violation of the Criminal Code of 1961 or the
8 Criminal Code of 2012; (8) any violation of Section
9 11-1.20 or Section 12-13 of the Criminal Code of 1961 or
10 the Criminal Code of 2012; (9) any violation of subsection
11 (a) of Section 11-1.50 or Section 12-16 of the Criminal
12 Code of 1961 or the Criminal Code of 2012; (10) any
13 violation of Section 11-9.1 of the Criminal Code of 1961
14 or the Criminal Code of 2012; (11) any violation of
15 Section 11-9.1A of the Criminal Code of 1961 or the
16 Criminal Code of 2012; or (12) an offense in any other
17 state the elements of which are similar and bear a
18 substantial relationship to any of the enumerated offenses
19 in this subsection (i).

20 There is a rebuttable presumption that a parent is
21 depraved if the parent has been criminally convicted of at
22 least 3 felonies under the laws of this State or any other
23 state, or under federal law, or the criminal laws of any
24 United States territory; and at least one of these
25 convictions took place within 5 years of the filing of the
26 petition or motion seeking termination of parental rights.

1 There is a rebuttable presumption that a parent is
2 depraved if that parent has been criminally convicted of
3 either first or second degree murder of any person as
4 defined in the Criminal Code of 1961 or the Criminal Code
5 of 2012 within 10 years of the filing date of the petition
6 or motion to terminate parental rights.

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

11 (j) Open and notorious adultery or fornication.

12 (j-1) (Blank).

13 (k) Habitual drunkenness or addiction to drugs, other
14 than those prescribed by a physician, for at least one
15 year immediately prior to the commencement of the
16 unfitness proceeding.

17 ~~There is a rebuttable presumption that a parent is~~
18 ~~unfit under this subsection with respect to any child to~~
19 ~~which that parent gives birth where there is a confirmed~~
20 ~~test result that at birth the child's blood, urine, or~~
21 ~~meconium contained any amount of a controlled substance as~~
22 ~~defined in subsection (f) of Section 102 of the Illinois~~
23 ~~Controlled Substances Act or metabolites of such~~
24 ~~substances, the presence of which in the newborn infant~~
25 ~~was not the result of medical treatment administered to~~
26 ~~the mother or the newborn infant; and the biological~~

1 ~~mother of this child is the biological mother of at least~~
2 ~~one other child who was adjudicated a neglected minor~~
3 ~~under subsection (c) of Section 2-3 of the Juvenile Court~~
4 ~~Act of 1987.~~

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

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

1 correct the conditions that brought the child into care
2 during any 9-month period following the adjudication under
3 Section 2-3 or 2-4 of the Juvenile Court Act of 1987.
4 Notwithstanding any other provision, when a petition or
5 motion seeks to terminate parental rights on the basis of
6 item (ii) of this subsection (m), the petitioner shall
7 file with the court and serve on the parties a pleading
8 that specifies the 9-month period or periods relied on.
9 The pleading shall be filed and served on the parties no
10 later than 3 weeks before the date set by the court for
11 closure of discovery, and the allegations in the pleading
12 shall be treated as incorporated into the petition or
13 motion. Failure of a respondent to file a written denial
14 of the allegations in the pleading shall not be treated as
15 an admission that the allegations are true.

16 (m-1) (Blank).

17 (n) Evidence of intent to forgo his or her parental
18 rights, whether or not the child is a ward of the court,
19 (1) as manifested by his or her failure for a period of 12
20 months: (i) to visit the child, (ii) to communicate with
21 the child or agency, although able to do so and not
22 prevented from doing so by an agency or by court order, or
23 (iii) to maintain contact with or plan for the future of
24 the child, although physically able to do so, or (2) as
25 manifested by the father's failure, where he and the
26 mother of the child were unmarried to each other at the

1 time of the child's birth, (i) to commence legal
2 proceedings to establish his paternity under the Illinois
3 Parentage Act of 1984, the Illinois Parentage Act of 2015,
4 or the law of the jurisdiction of the child's birth within
5 30 days of being informed, pursuant to Section 12a of this
6 Act, that he is the father or the likely father of the
7 child or, after being so informed where the child is not
8 yet born, within 30 days of the child's birth, or (ii) to
9 make a good faith effort to pay a reasonable amount of the
10 expenses related to the birth of the child and to provide a
11 reasonable amount for the financial support of the child,
12 the court to consider in its determination all relevant
13 circumstances, including the financial condition of both
14 parents; provided that the ground for termination provided
15 in this subparagraph (n)(2)(ii) shall only be available
16 where the petition is brought by the mother or the husband
17 of the mother.

18 Contact or communication by a parent with his or her
19 child that does not demonstrate affection and concern does
20 not constitute reasonable contact and planning under
21 subdivision (n). In the absence of evidence to the
22 contrary, the ability to visit, communicate, maintain
23 contact, pay expenses and plan for the future shall be
24 presumed. The subjective intent of the parent, whether
25 expressed or otherwise, unsupported by evidence of the
26 foregoing parental acts manifesting that intent, shall not

1 preclude a determination that the parent has intended to
2 forgo his or her parental rights. In making this
3 determination, the court may consider but shall not
4 require a showing of diligent efforts by an authorized
5 agency to encourage the parent to perform the acts
6 specified in subdivision (n).

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

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

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

1 construed so as to permit a licensed clinical social
2 worker to conduct any medical diagnosis to determine
3 mental illness or mental impairment.

4 (q) (Blank).

5 (r) The child is in the temporary custody or
6 guardianship of the Department of Children and Family
7 Services, the parent is incarcerated as a result of
8 criminal conviction at the time the petition or motion for
9 termination of parental rights is filed, prior to
10 incarceration the parent had little or no contact with the
11 child or provided little or no support for the child, and
12 the parent's incarceration will prevent the parent from
13 discharging his or her parental responsibilities for the
14 child for a period in excess of 2 years after the filing of
15 the petition or motion for termination of parental rights.

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

24 (t) (Blank). ~~A finding that at birth the child's~~
25 ~~blood, urine, or meconium contained any amount of a~~
26 ~~controlled substance as defined in subsection (f) of~~

1 ~~Section 102 of the Illinois Controlled Substances Act, or~~
2 ~~a metabolite of a controlled substance, with the exception~~
3 ~~of controlled substances or metabolites of such~~
4 ~~substances, the presence of which in the newborn infant~~
5 ~~was the result of medical treatment administered to the~~
6 ~~mother or the newborn infant, and that the biological~~
7 ~~mother of this child is the biological mother of at least~~
8 ~~one other child who was adjudicated a neglected minor~~
9 ~~under subsection (c) of Section 2-3 of the Juvenile Court~~
10 ~~Act of 1987, after which the biological mother had the~~
11 ~~opportunity to enroll in and participate in a clinically~~
12 ~~appropriate substance abuse counseling, treatment, and~~
13 ~~rehabilitation program.~~

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

1 consent is void; or (3) the order terminating the parental
2 rights of the person is vacated by a court of competent
3 jurisdiction.

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

5 (a) a child who has been surrendered for adoption to
6 an agency and to whose adoption the agency has thereafter
7 consented;

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

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

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

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

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

20 A person who would otherwise be available for adoption
21 shall not be deemed unavailable for adoption solely by reason
22 of his or her death.

23 G. The singular includes the plural and the plural
24 includes the singular and the "male" includes the "female", as
25 the context of this Act may require.

26 H. (Blank).

1 I. "Habitual residence" has the meaning ascribed to it in
2 the federal Intercountry Adoption Act of 2000 and regulations
3 promulgated thereunder.

4 J. "Immediate relatives" means the biological parents, the
5 parents of the biological parents and siblings of the
6 biological parents.

7 K. "Intercountry adoption" is a process by which a child
8 from a country other than the United States is adopted by
9 persons who are habitual residents of the United States, or
10 the child is a habitual resident of the United States who is
11 adopted by persons who are habitual residents of a country
12 other than the United States.

13 L. (Blank).

14 M. "Interstate Compact on the Placement of Children" is a
15 law enacted by all states and certain territories for the
16 purpose of establishing uniform procedures for handling the
17 interstate placement of children in foster homes, adoptive
18 homes, or other child care facilities.

19 N. (Blank).

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

24 P. "Abused child" means a child whose parent or immediate
25 family member, or any person responsible for the child's
26 welfare, or any individual residing in the same home as the

1 child, or a paramour of the child's parent:

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

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

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

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

18 (e) inflicts excessive corporal punishment.

19 Q. "Neglected child" means any child whose parent or other
20 person responsible for the child's welfare withholds or denies
21 nourishment or medically indicated treatment including food or
22 care denied solely on the basis of the present or anticipated
23 mental or physical impairment as determined by a physician
24 acting alone or in consultation with other physicians or
25 otherwise does not provide the proper or necessary support,
26 education as required by law, or medical or other remedial

1 care recognized under State law as necessary for a child's
2 well-being, or other care necessary for his or her well-being,
3 including adequate food, clothing and shelter; or who is
4 abandoned by his or her parents or other person responsible
5 for the child's welfare.

6 A child shall not be considered neglected or abused for
7 the sole reason that the child's parent or other person
8 responsible for his or her welfare depends upon spiritual
9 means through prayer alone for the treatment or cure of
10 disease or remedial care as provided under Section 4 of the
11 Abused and Neglected Child Reporting Act. A child shall not be
12 considered neglected or abused for the sole reason that the
13 child's parent or other person responsible for the child's
14 welfare failed to vaccinate, delayed vaccination, or refused
15 vaccination for the child due to a waiver on religious or
16 medical grounds as permitted by law.

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

26 S. "Standby adoption" means an adoption in which a parent

1 consents to custody and termination of parental rights to
2 become effective upon the occurrence of a future event, which
3 is either the death of the parent or the request of the parent
4 for the entry of a final judgment of adoption.

5 T. (Blank).

6 T-5. "Biological parent", "birth parent", or "natural
7 parent" of a child are interchangeable terms that mean a
8 person who is biologically or genetically related to that
9 child as a parent.

10 U. "Interstate adoption" means the placement of a minor
11 child with a prospective adoptive parent for the purpose of
12 pursuing an adoption for that child that is subject to the
13 provisions of the Interstate Compact on the Placement of
14 Children.

15 V. (Blank).

16 W. (Blank).

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

19 (1) because of his marriage to or civil union with the
20 child's parent at the time of the child's birth or within
21 300 days prior to that child's birth, unless he signed a
22 denial of paternity pursuant to Section 12 of the Vital
23 Records Act or a waiver pursuant to Section 10 of this Act;
24 or

25 (2) because his paternity of the child has been
26 established pursuant to the Illinois Parentage Act, the

1 Illinois Parentage Act of 1984, or the Gestational
2 Surrogacy Act; or

3 (3) because he is listed as the child's father or
4 parent on the child's birth certificate, unless he is
5 otherwise determined by an administrative or judicial
6 proceeding not to be the parent of the child or unless he
7 rescinds his acknowledgment of paternity pursuant to the
8 Illinois Parentage Act of 1984; or

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

11 The definition in this subsection X shall not be construed
12 to provide greater or lesser rights as to the number of parents
13 who can be named on a final judgment order of adoption or
14 Illinois birth certificate that otherwise exist under Illinois
15 law.

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

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

20 (2) because her maternity of the child has been
21 established pursuant to the Illinois Parentage Act of 1984
22 or the Gestational Surrogacy Act; or

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

25 (4) because of her marriage to or civil union with the
26 child's other parent at the time of the child's birth or

1 within 300 days prior to the time of birth; or

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

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

11 Z. "Department" means the Illinois Department of Children
12 and Family Services.

13 AA. "Placement disruption" means a circumstance where the
14 child is removed from an adoptive placement before the
15 adoption is finalized.

16 BB. "Secondary placement" means a placement, including but
17 not limited to the placement of a youth in care as defined in
18 Section 4d of the Children and Family Services Act, that
19 occurs after a placement disruption or an adoption
20 dissolution. "Secondary placement" does not mean secondary
21 placements arising due to the death of the adoptive parent of
22 the child.

23 CC. "Adoption dissolution" means a circumstance where the
24 child is removed from an adoptive placement after the adoption
25 is finalized.

26 DD. "Unregulated placement" means the secondary placement

1 of a child that occurs without the oversight of the courts, the
2 Department, or a licensed child welfare agency.

3 EE. "Post-placement and post-adoption support services"
4 means support services for placed or adopted children and
5 families that include, but are not limited to, mental health
6 treatment, including counseling and other support services for
7 emotional, behavioral, or developmental needs, and treatment
8 for substance abuse.

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

11 The changes made by this amendatory Act of the 103rd
12 General Assembly apply to a petition that is filed on or after
13 January 1, 2025.

14 (Source: P.A. 101-155, eff. 1-1-20; 101-529, eff. 1-1-20;
15 102-139, eff. 1-1-22; 102-558, eff. 8-20-21.)

16 Section 999. Effective date. This Section, Sections 1
17 through 35, and Section 110 take effect upon becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 New Act

4 325 ILCS 5/3 from Ch. 23, par. 2053

5 325 ILCS 5/3.5 new

6 325 ILCS 5/4.4 rep.

7 705 ILCS 405/2-3 from Ch. 37, par. 802-3

8 705 ILCS 405/2-18 from Ch. 37, par. 802-18

9 750 ILCS 50/1 from Ch. 40, par. 1501